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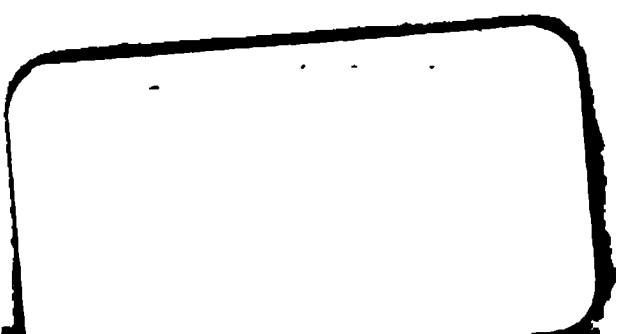
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# JOURNALS

OF

## **The American Congress:**

**From 1774 to 1788.**

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IN FOUR VOLUMES.

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VOLUME III:

*From August 1, 1778, to March 30, 1782, inclusive.*

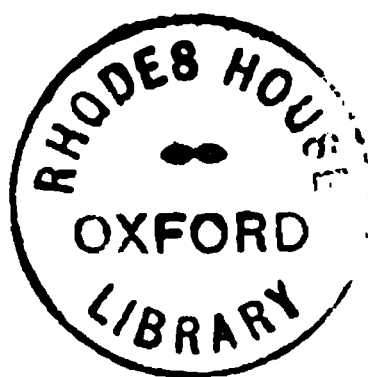
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WASHINGTON

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# JOURNALS OF CONGRESS,

## 1778.

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SATURDAY, *August 1, 1778.*

A letter, of July 22d, from gen. Armstrong, was read :

*Ordered*, That it be referred to the board of war.

Two letters from gen. Washington, one dated June 18th, and the other July 25th, with a copy of general orders respecting the office of inspector-general, were read :

*Ordered*, That the same be referred to a committee of three: the members chosen, Mr. Reed, Mr. Boudinot, and Mr. Chase.

A letter, of July 31st, from the board of war, was read, representing that, pursuant to the orders of Congress, Cornelius Sweers has been secured in such manner as the board of war deemed sufficient, while it remained in a degree doubtful, whether or not he had been guilty of frauds against the states; that the matter being now reduced to a certainty, and the sums deficient amounting to many thousand pounds, the board are uneasy at his remaining guarded only by centries, and those of raw troops: Whereupon,

*Ordered*, That Cornelius Sweers, deputy commissary-general of military stores, now in custody by order of this house, be immediately closely confined in the public gaol within this city, and that he be charged with misconduct in his office generally, and particularly with the crime of forgery.

*Resolved*, That the executive council of the state of Pennsylvania be requested to direct the keepers of their gaol to receive into custody, and safely keep, the said Cornelius Sweers.

*Ordered*, That the letter from the board of war be referred to the committee on the deposition of Thomas Clifton, and that the committee be directed to report on the mode of trying Cornelius Sweers and bringing him to justice.

*Resolved*, That a committee of three be appointed to consider of and report to Congress such recommendations to the legislatures of the several states for the enacting of laws, calculated to enable Congress, as the superintending executive of the United States, to proceed in civil and criminal cases as the nature of such government may require: the members chosen, Mr. Reed, Mr. Dana, and Mr. Drayton.

A letter, of July 28th, from the board of war, was laid before Congress, together with an invoice of goods bought of Peter Whitesides & Co.

*Ordered*, That the same be referred to the board of treasury.

The marine committee brought in a report, which was read, and after debate,

*Resolved*, That it be re-committed.

The committee of commerce, to whom was referred a letter of July 15th, from Mons. de Francey, brought in a report, which was taken into consideration: Whereupon,

*Ordered*, That the cargoes of the snow Speedwell and of the brigantine Braxton, governor Johnston and Morris, now ready to sail from America for France, be consigned to the commissioners of Congress at Paris, who are directed to settle the accounts of Mr. John Ross with Congress, and to pay him

the balance thereof out of the proceeds of the said cargoes ; and the residue, if any, to the house of Hortales & Co. as they judge proper.

*Ordered*, That the ship Virginia, now laying laden with a cargo of tobacco on public account in Virginia, be consigned to Roderique Hortales & Co. Adjourned to nine o'clock on Monday.

**MONDAY, August 3, 1778.**

A letter, of the 2d, and one of the 3d, from Cornelius Sweers, were read : Whereupon, a motion was made,

That col. Benjamin Flower, commissary-general of military stores, be immediately arrested and closely confined in the gaol of this town :

To which an amendment was moved,

That a member of this house be appointed forthwith to repair to the place where Cornelius Sweers, late deputy commissary of military stores, is confined, and to take the deposition of the said Cornelius Sweers, relative to the charge made by him against col. Benjamin Flower, for frauds in his office ; and in case it should appear, on the deposition of the said Cornelius Sweers, that col. Flower is charged with frauds and mal-practices in the discharge of his office, in such case notice be given to the board of war, who are hereby ordered to arrest the said B. Flower without delay, and to confine him in gaol, taking care to secure his money and effects, and all his papers of a public nature.

On which amendment, the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	no	>no	<i>Maryland</i> ,	Mr. Chase,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	no			Forbes,	no	>no
	Dana,	no		Plater,	ay	
	Lovell,	no	<i>Virginia</i> ,	Mr. R. H. Lee,	ay	
	Holten,	no		Banister,	ay	>ay
<i>Rhode-Island</i> , Mr. Marchant,	no	>no		T. Adams,	ay	
<i>Connecticut</i> , Mr. Sherman,	no			Harvie,	ay	
	Hosmer,	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	>no
	A. Adams,	no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-York</i> , Mr. Duer,	ay	>ay		Drayton,	no	>div.
	G. Morris,	ay		Matthews,	no	
<i>New-Jersey</i> , Mr. Scudder,	no	>div.		Heyward,	ay	
	Boudinot,	ay	<i>Georgia</i> ,	Mr. Telfair,	ay	>ay
<i>Pennsylvania</i> , Mr. R. Morris,	ay	>ay				

So it passed in the negative.

Another amendment was moved in the words following :

Colonel Benjamin Flower, commissary-general of military-stores, being charged with mal-conduct in the execution of his office, *Ordered*, That he be arrested and safely kept until further order of Congress :

On this, the yeas and nays being required by Mr. Chase,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	>ay	<i>Maryland</i> ,	Mr. Chase,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay			Plater,	ay	>ay
	Dana,	ay		Forbes,	ay	
	Lovell,	ay	<i>Virginia</i> ,	Mr. R. H. Lee,	ay	
	Holten,	ay		Banister,	no	>div.
<i>Rhode-Island</i> , Mr. Marchant,	ay	>ay		T. Adams,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay			Harvie,	no	
	Hosmer,	no	<i>N.-Carolina</i> ,	Mr. Penn,	ay	>ay
	A. Adams,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-York</i> , Mr. Duer,	ay	>ay		Drayton,	no	>div.
	G. Morris,	ay		Matthews,	ay	
<i>Pennsylvania</i> , Mr. R. Morris,	ay	>ay	<i>Georgia</i> ,	Heyward,	no	
				Mr. Telfair,	ay	>ay

So it was resolved in the affirmative.

*Ordered*, That the board of war carry into execution the foregoing order.

*Ordered*, That the continental treasurer make no farther payments of

money to col. Benjamin Flower, or his order, upon any warrant heretofore granted, until farther order of Congress.

A letter, of the 2d, from capt. Hawker and other officers of the Mermaid, was read.

Adjourned to nine o'clock to-morrow.

**TUESDAY, August 4, 1778.**

Mr. John Williams, a delegate from North-Carolina, attended and took his seat in Congress.

A letter, of the 28th of July, from gen. Washington, by major-general Putnam, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Hosmer, Mr. R. H. Lee, and Mr. Scudder.

A letter, of the 20th, and one of the 22d of July, from the council of Massachusetts-Bay, were read :

*Ordered*, That the letter, of the 22d, be referred to the committee on the letter of the 23d of July, from J. Wadsworth, commissary-general.

A letter, of July 24th, from W. Finnie, deputy quarter-master general, was read :

*Ordered*, That it be referred to the board of treasury.

A letter, of the 21st of July, from col. D. Mason, was read :

*Ordered*, That it be referred to the board of war.

A letter, of the 3d, from major-general Arnold, accompanied with the proceedings of a general court-martial against Jacob Rhoads and Jacob Gandy, both sentenced to suffer death, but at the same time recommended by the court as proper objects of mercy, was read, setting forth, that he has ordered the sentence to be suspended until the pleasure of Congress is known, and begging leave, as many circumstances appear in favor of the prisoners, to recommend them to Congress as proper objects of mercy : Whereupon,

*Resolved*, That a pardon be granted to the said prisoners.

A representation from W. de Galathea, proprietor and commander of the ship Foubonne, was read.

*Ordered*, That it be referred to the marine committee.

A petition and memorial from James O'Ellers and H. Horn, was read :

*Ordered*, That it be referred to a committee of three, and that they report specially thereon : the members chosen, Mr. Drayton, Mr. Hosmer, and Mr. R. H. Lee.

A letter, of July 18th, from col. T. Bland, of the light dragoons, respecting rank, was read :

*Ordered*, That it be referred to the board of war

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 100,000 of dollars, to be by him transmitted to William Palfrey, esq. pay-master general at camp, for the use of his department, and for which he is to be accountable.

*Ordered*, That the following warrants issue in favor of col. John Cox, assistant quarter-master general, for the use of the quarter-master general's department, amounting to the sum of 2,000,000 of dollars, to be charged to major-general Green, quarter-master general, viz.

One on the treasurer for the sum of 1,500,000 dollars ; one on Derk Ten Broek, commissioner of the continental loan-office in the state of New-York, for 100,000 dollars ; one on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 150,000 dollars ; one on Joseph Clarke, esq. commissioner of the continental loan-office in the state of Rhode-Island, for 100,000 dollars ; and one on Nathaniel Appleton, esq. commissioner of the continental loan-office in the state of Massachusetts-Bay, for 150,000 dollars.

*Ordered*, That the committee on the treasury lay before Congress an account of the sums of money granted to the present quarter-master general for the use of his department, and of the sums granted to the present commissary-general of purchases, to the commissary-general of military stores, and to the clothier-general, for the use of their respective departments.

The committee on the treasury brought in another report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for 1759 15-90 dollars, in favor of the committee of commerce, to enable them to pay James Warren, esq. of Boston, his account of freight and charges on sundry merchandise belonging to the United States, agreeably to his account rendered them, dated the 16th of July last; the said committee to be accountable:

That a warrant issue on the treasurer for 100,000 dollars, in favor of Jonathan Potts, esq. deputy director-general of the middle district, for the use of his department; he to be accountable.

On motion, *Ordered*, That the commissary-general of prisoners do, from time to time, on the exchange of prisoners in the possession of the enemy, take proper care of those who shall appear to be in such ill state of health as to be unable to travel, either by sending them to a public hospital, or when that cannot be readily effected, by appointing proper persons to take care of them on the easiest terms practicable; and that those who are able to travel, be furnished with orders on the different commissaries of issues, on their way for such a number of rations as may be necessary for their support to their respective places of abode; also that the commissary of prisoners do keep exact accounts of the expenses attending those that belong to the different states, and are not in the continental service.

The marine committee, to whom was referred the petition of William Storey, clerk to the navy board of the eastern district, report as their opinion, that it is not expedient at this time to raise salaries, when measures are about to be taken by Congress for the appreciation of the currency; but in consideration of the great and constant business in which the above petitioner is engaged, and the expensive living for the past and at the present time, the committee think a compensation of 500 dollars, for his extra services and expenses since his appointment, should be allowed him.

The committee farther report, that as the commissioners of the navy board in the eastern district, are necessarily obliged, for the right discharge of their duty, frequently to visit the different parts of their extensive district, they be allowed 365 dollars each, for their travelling expenses the year past.

*Resolved*, That Congress agree to the said report.

Congress resumed the consideration of the letter of the 2d, from captain Hawker, and the other officers of the *Mermaid*, and after debate,

*Resolved*, That the farther consideration thereof be postponed.

*Resolved*, That the execution of the resolution of yesterday, relative to the arrest of col. Benjamin Flower, commissary-general of military stores, be committed to major-general Arnold; and that the secretary transmit to the general a copy of the said resolution.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, August 5, 1778.

A memorial from Samuel H. Sullivan, deputy quarter-master under gen. Mifflin, late quarter-master general, was read:

*Ordered*, That it be referred to the board of war.

Brigadier Maxwell having recommended the Rev. Mr. Andrew Hunter to be appointed chaplain to his brigade,

*Resolved*, That the said Rev. Andrew Hunter be, and he is hereby appointed chaplain to the brigade commanded by brigadier Maxwell.

A motion was made, that the pay of the Rev. Mr. Hunter commence from

the date of the resolution for appointing brigade chaplains: question put, passed in the negative.

According to order, the committee on the treasury laid before Congress an account of the sums of money granted to the quarter-master general, to the commissary-general of purchases, to the commissary-general of military stores, and to the clothier-general, severally, for the use of their respective departments.

The proceedings of a court-martial on the trial of capt. Manly, late of the continental ship Hancock, and the proceedings of a court-martial on the trial of Thomas Thompson, late captain and commander of the ship Raleigh, in the service of the United States, were laid before Congress:

*Ordered*, That the proceedings on the trial of capt. Manly be returned to the marine committee, to be filed among their papers; and that the proceedings on the trial of captain Thompson lie on the table.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Joseph Nourse, pay-master to the board of war and ordnance, for 6000 dollars, to answer the draughts of the board for the use of the baking department; the said Joseph Nourse to be accountable.

*Ordered*, That a warrant issue on the treasurer in favor of the said Joseph Nourse, for 300 dollars, to reimburse him a like sum advanced to Cornelius Sweers, deputy commissary of military stores, who is to be accountable:

That another warrant issue, on the application of the board of war, in favor of the said Joseph Nourse, for 6000 dollars, to be by him paid over to col. John Beatty, commissary-general of prisoners, for the use of his department, who is to be accountable.

Congress resumed the consideration of the report of the board of treasury, dated July 22d; Whereupon,

*Ordered*, That a warrant issue on the treasurer of the state of Massachusetts-Bay, for 300,000 dollars, in favor of the president and council of the said state, to be paid out of the money assessed by the state, agreeably to a resolution of Congress of the 22d of November last, the said state to be accountable.

A letter, of this day, from major-general Arnold, was read, informing, that in pursuance of the resolution of Congress, "he has arrested colonel Benjamin Flower in the usual manner," and desiring an explanation of the resolution with respect to the safe keeping of colonel Flower; Whereupon,

*Resolved*, That the president inform major-general Arnold, that it is the intention of Congress that colonel Benjamin Flower should be securely kept in a convenient room under a sufficient guard.

One of the delegates from New-Jersey laid before Congress an extract of a letter from James Caldwell:

*Ordered*, That so much thereof as relates to prisoners, inhabitants of these states, taken by the French fleet, be referred to Mr. Duer; and that so much as relates to vessels captured by the said fleet, be referred to the marine committee.

FIVE O'CLOCK, P. M.

*Resolved*, That the door of the Congress chamber be open during the audience to be given to the minister plenipotentiary of his most Christian majesty.

*Resolved*, That the delegates of Pennsylvania be requested to inform the vice-president, the supreme executive council, and the speaker and assembly of the said state, that the minister plenipotentiary of his most Christian majesty the king of France, will receive his audience of Congress at 12 o'clock to-morrow, when the doors of Congress chamber will be opened.

*Resolved*, That each member of Congress may give two tickets for the admittance of other persons to the audience, and that no persons, except those specified in the foregoing resolution, be admitted without such a ticket, signed by the members appointed to introduce the minister to Congress.

A letter, of this day, from colonel Benjamin Flower, was read :

*Ordered*, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers.

Adjourned to nine o'clock to-morrow.

THURSDAY, *August 6, 1778.*

A letter, of this day, from Cornelius Sweers, was read :

*Ordered*, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers ; and that the committee take the examination, upon oath, of Cornelius Sweers, deputy commissary of military stores, touching his accusation of colonel B. Flower, commissary-general of military-stores ; and that the committee be authorized to send for persons and papers, which they may deem proper for the better prosecution of the business, and to seize and keep such papers of the said Flower and Sweers.

According to order, the hon. sieur Gerard was introduced to an audience by the two members for that purpose appointed, and being seated in his chair, his secretary delivered to the president a letter from his most Christian majesty, directed

" A nos tres chers grand amies et allies les president et members du Congres general des Etats-Unis :

And in the words following :

" TRES CHERS, GRANDS AMIES ET ALLIES :

Les traites, que nous avons signes, avec vous, en consequence des propositions, que vos deputes nous ont faites de votre part, vous sont un garant assure de notre affection pour les Etats-Unis en general et pour chacun d'eux en particulier, ainsi que de l'interest que nous prenons et que nous prendrons constamment a leurs bonheurs et a leur prosperite. C'est pour vous en convaincre d'une maniere plus particulier, que nous avons nomme le sieur Gerard, secretaire de notre conseil d'etat pour resider aupres de vous en qualite de notre ministre plenipotentiaire. Il connoit d'autant mieux les sentimens, que nous vous portons, et il est d'autant plus en etat de vous en rendre temoignage qu'il a ete charge de notre part de negocier, avec vos deputes, et qu'il a signe avec eux les traites, qui cimentent notre union. Nous vous prions d'ajouter foi entiere atout ce qu'il vous dira de notre part, principalement lorsqu'il vous assurera de notre affection et de notre constante amitie pour vous. Sur ce nous prions Dieu, quil vous ait, Tres, chers, grands amis et allies, en sa sainte et digne gard.

Ecrit a Versailles, le 28 Mars, 1778. Votre bon ami et allie,

LOUIS.

GRAVIER DE VERGENNES."

TRANSLATION.

(*Superscription.*)

" To our very dear great friends and allies, the president and members of the general Congress of the United States of North-America.

VERY DEAR GREAT FRIENDS AND ALLIES :

The treaties which we have signed with you, in consequence of the proposals your commissioners made to us in your behalf, are a certain assurance of our affection for the United States in general, and for each of them in particular, as well of the interest we take and constantly shall take in their happiness and prosperity. It is to convince you more particularly of this that we have nominated the sieur Gerard, secretary of our council of state, to reside among you in the quality of minister plenipotentary. He is the better acquainted with our sentiments towards you, and the more capable of



testifying the same to you, as he was entrusted on our part to negotiate with your commissioners and signed with them the treaties which cement our union. We pray you to give full credit to all he shall communicate to you from us, more especially when he shall assure you of our affection and constant friendship for you. We pray God, very dear great friends and allies, to have you in his holy keeping.

Versailles, 28th March, 1778.

Your good friend and ally,

(Signed,)

LOUIS.

(Undersigned,)

GRAVIER DE VERGENNES."

The minister was then announced to the house: whereupon he arose and addressed Congress in a speech, which when he had finished, his secretary delivered in writing to the president, and is as follows:

MESSIEURS: Les liaisons, que le roi mon maitre a formes avec les Etats-Unis de l'Amerique lui sont si agreeables; qu'il n'a pas voulu differer de m'envoyer resider aupres de vous pour les cimenter. Sa majeste apprendra avec satisfaction que les sentimens, qui se sont manifestes a cette occasion, justifient la confiance que lui avoient inspire lezele et le caractere des deputes des Etats-Unis en France; la sagesse et la fermete qui ont dirige vos resolutions ainsi que la constance et le courage, que les peuples ont fait eclater. Vous savez, messieurs, que cette confiance a fait la base du plan vraiment amical et disinteresse sur le quel sa majeste a traite avec les Etats-Unis.

Il n'a pas dependu d'elle, que ses engagements n'assurassent votre independance et votre repos sans effusion ulterieur de sang et sans aggraver les maux de l'humanite dont tout son ambition est d'assurer le bonheur; mais les dispositions et les resolutions hostiles de l'ennemie commun ayant donne a des engagements purement eventuels une force, actuelle, positive, permanente et indissoluble, le roi mon maitre a pense que les deux allies ne doivent plus s'occuper que du moyens de les remplir de la maniere la plus utile a la cause commune, et la plus efficace pour parvenir a la paix, qui est l'object d'alliance. C'est d'apres ce principe, que sa majeste s'est hatee de vous envoyer un secours, pouissant: vous ne le devez, messieurs, qu'a son amitie, a l'interest sincere, qu'elle prend aux avantages des Etats-Unis, et au desir qu'elle a de concourir efficacement a affirmer, votre repos et votre prosperite sur des bases honorables et solids elle espere d'ailleurs, que les principes adoptes par les gouvernemens contribueront a etendre les liaisons, que l'interet mutuel des peuples respectifs avoit deja commence a etablir entre eux. La principal point de mes instructions est de faire marcher sur la meme ligne les interets de la France et ceux des Etats-Unis. Je me flatte, messieurs, que ma conduite passe dans les affaires, que les interessent, vous aura deja convaincu, que je n'ai point de desir plus cher que celui d'executer mes instructions de maniere a meriter la confiance du Congres, l'amitie de ses membres et l'estime de tous les citoyens.

GERARD."

#### TRANSLATION.

"GENTLEMEN: The connexion formed by the king my master, with the United States of America, is so agreeable to him, that he could no longer delay sending me to reside among you for the purpose of cementing it. It will give his majesty great satisfaction to learn, that the sentiments which have shone forth on this occasion justify that confidence with which he hath been inspired by the zeal and character of the commissioners of the United States in France, the wisdom and fortitude which have directed the resolutions of Congress, and the courage and perseverance of the people they re-

present ; a confidence which you know, gentlemen, has been the basis of that truly amicable and disinterested system on which he hath treated with the United States.

It is not his majesty's fault that the engagements he hath entered into did not establish your independence and repose, without the further effusion of blood, and without aggravating the calamities of mankind, whose happiness it is his highest ambition to promote and secure. But, since the hostile measures and designs of the common enemy have given to engagements purely eventual, an immediate, positive, permanent, and indissoluble force, it is the opinion of the king my master, that the allies should turn their whole attention to fulfil those engagements in the manner most useful to the common cause, and best calculated to obtain that peace which is the object of the alliance.

It is upon this principle, gentlemen, his majesty hath hastened to send you a powerful assistance, which you owe only to his friendship, to the sincere regard he has for every thing which relates to the advantage of the United States, and the desire of contributing with efficacy to establish your repose and prosperity upon an honorable and solid foundation. And further, it is his expectation that the principles which may be adopted by the respective governments, will tend to strengthen those bonds of union which have originated in the mutual interests of the two nations.

The principal object of my instructions is, to connect the interests of France with those of the United States. I flatter myself, gentlemen, that my past conduct in the affairs which concern them, hath already convinced you of the determination I feel to endeavor to obey my instructions in such manner as to deserve the confidence of Congress, the friendship of its members, and the esteem of the citizens of America.

(Signed,)

GERARD."

To which the president returned the following answer :

SIR : The treaties between his most Christian majesty and the United States of America, so fully demonstrate his wisdom and magnanimity as to command the reverence of all nations. The virtuous citizens of America, in particular, can never forget his beneficent attention to their violated rights, nor cease to acknowledge the hand of a gracious Providence in raising them up so powerful and illustrious a friend. It is the hope and opinion of Congress that the confidence his majesty reposes in the firmness of these states, will receive additional strength from every day's experience.

This assembly are convinced, sir, that had it rested solely with the most Christian king, not only the independence of these states would have been universally acknowledged, but their tranquillity fully established. We lament that lust of domination which gave birth to the present war, and hath prolonged and extended the miseries of mankind. We ardently wish to sheath the sword, and spare the further effusion of blood ; but we are determined, by every means in our power, to fulfil those eventual engagements which have acquired positive and permanent force from the hostile designs and measures of the common enemy.

Congress have reason to believe that the assistance so wisely and generously sent, will bring Great-Britain to a sense of justice and moderation, promote the interest of France and America, and secure peace and tranquillity on the most firm and honorable foundation. Neither can it be doubted that those who administer the powers of government within the several states of this union will cement that connection with the subjects of France, the beneficent effects of which have already been so sensibly felt.

SIR : From the experience we have had of your exertions to promote the true interests of our country as well as your own, it is with the highest satis-

faction Congress receive as the first minister from his most Christian majesty, a gentleman whose past conduct affords a happy presage, that he will merit the confidence of this body, the friendship of its members, and the esteem of the citizens of America."

The secretary of Congress delivered to the minister a copy of the foregoing reply, dated "In Congress, August 6, 1778, and signed "Henry Laurens, president."

Whereupon the minister withdrew, and was conducted home in the manner in which he was brought to the house.

Adjourned to nine o'clock to-morrow.

#### FRIDAY, *August 7, 1778.*

A letter, of the 1st, from Mr. M. Clarkson, one of the auditors of accounts in the main army, was read, informing, "that when he was appointed to that office he was possessed of the commission of marshal of the court of admiralty for the state of Pennsylvania, which he still holds," and representing, "that his duty in that office now claims his attention, and that, therefore, he is constrained to tender a resignation of his office as auditor;" and begging "Congress will be pleased to accept it:" Whereupon,

*Resolved*, That his resignation be accepted.

A report from the board of war, to whom the petition of captain Stoddard, of the 2d regiment of light dragoons, was referred, being read,

*Ordered*, That it lie on the table.

The committee to whom was referred the letter of the 27th of November, 1777, from major-general Heath, to the board of treasury, report,

That they have carefully examined the files and journals of Congress, so far as they respect the defence of the state of Rhode-Island and Providence Plantations, and the rise of the expedition against the island of Rhode-Island, and find: that at a meeting of the committees appointed by the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, and Connecticut, convened at Providence, on the 25th day of December, 1776, it was among other things resolved, "That it is the opinion of this committee, that while so large a body of the enemy is in possession of Rhode-Island, it is necessary to keep 6000 men in the state of Rhode-Island to oppose them." That the proceedings of the said committees were laid before Congress, who upon the 15th day of February, 1777, resolved, "That, considering the situation of the New-England states, Congress approve of the measures adopted and recommended by the committees from the four New-England states, for the defence of the state of Rhode-Island." That, on the 16th day of April, 1777, Congress resolved, "That it be recommended to the general assembly of the state of Rhode-Island and Providence Plantations to collect, with the utmost despatch, the whole force thereof, and therewith, aided by such parts of the militia of Massachusetts-Bay, and Connecticut as are contiguous to the said state, to attack and destroy the enemy on the island of Rhode-Island aforesaid: that it be, and hereby it is recommended to the states of Massachusetts-Bay and Connecticut, to give every assistance in their power, by calling out the militia of their respective towns which lie next to the state of Rhode-Island, and to promote and execute this important service: that gen. Washington be directed to appoint such general officers as he shall judge proper to carry the foregoing resolution into effect.

*Ordered*, that a copy of the foregoing resolution be sent by express to general Washington, and the three New-England states."

That at a meeting of the committees from the states of New-Hampshire, Massachusetts-Bay, Rhode-Island, and New-York, held at Springfield, 30th of July, 1777, it was among other things resolved, "that the state of Rhode-Island be requested to fill up their two battalions as soon as may be, for the

defence of that state; that the state of Massachusetts-Bay be desired to hasten on the two battalions they have ordered for that purpose; that the state of Connecticut be desired to raise and equip one battalion of 728 men, with all speed, and direct them to the above service; and that the state of New-Hampshire be desired to raise and equip 300 men, with all speed, and direct them to the above purpose." That on the 21st of August, 1777, Congress resolved, "That fire-ships should be prepared to attack and destroy the British ships in the rivers and bays of the state of Rhode-Island: That gen. Spencer be made acquainted with the foregoing resolution, and that he be instructed, as far as possible, to favor the said designs by such attacks and feints as he may judge proper, with the troops and boats under his command." That on the 13th of January, 1778, Congress resolved, "That it be earnestly recommended to the states of New-Hampshire, Massachusetts-Bay, Rhode-Island, and Connecticut, immediately to furnish and keep up constantly in the state of Rhode-Island and Providence Plantations, for the defence of the said state, their several quotas of troops as adjusted by the resolution of a committee from the said states and the state of New-York, which met at Springfield, the 30th day of July last." That Congress, on the 14th of January, 1778, resolved, "That Ebenezer Hancock, esq. deputy pay-master general of the eastern district, be directed, forthwith, to appoint an assistant pay-master, constantly to attend and pay the army stationed in or near Providence, for the defence of the state of Rhode-Island and Providence Plantations, applying to Congress, from time to time, for the necessary supplies of money for the same; and that the commanding officer in the said state be fully empowered to draw on the said assistant pay-master for the necessary supplies of the army aforesaid." That on the 17th of July, 1777, Congress resolved, "That gen. Spencer be informed, in answer to his letter of the 20th May, that Congress confirm the appointment made by him of William Peck, esq. deputy adjutant general to the militia and the state troops of Rhode-Island, kept in continental pay; that for money to pay the said troops he is to make application to Ebenezer Hancock, esq. at Boston, deputy pay-master general of the troops in the eastern department; and that as the quarter-master general has the appointment of all his deputies, application is to be made to them for the appointment of a deputy quarter-master general:" Whereupon,

*Resolved*, That the expense of the late intended expedition against the island of Rhode-Island be borne by the continent.

A petition from George Spangler, was read:

*Ordered*, To lie on the table.

*Ordered*, That Mr. Roberdeau have leave of absence.

The committee to whom was referred the memorial of col. Knoblauch, brought in a report, which was read:

*Ordered*, To lie on the table.

Adjourned to nine o'clock to morrow.

#### SATURDAY, August 8, 1778.

A letter, from T. Pickering, and one from major-general Arnold, both of this date, were read.

A letter, from B. Randolph, appointed to superintend the making of paper for loan-office certificates and bills of exchange, was read, informing, that his engagements in New-Jersey will prevent his attendance on the business to which he was appointed, in less than two weeks from this time, and therefore praying, if the business require immediate attendance, that Congress will please to appoint some other person for the present.

The board of treasury having recommended sundry persons for signers of the continental currency, Congress proceeded to the election, and the bal-

lots being taken, the following gentlemen were chosen, viz. Samuel Nicholas, col. Patton, col. Joseph Copperthwait, Joseph H. Ellis, Richard Humphreys, James Longhead, Jedediah Snowden, Joseph Walter, Joseph Bullock, William Thorne, Thomas Leiper, John Lardner, Alexander Nesbit, Frederick Phyle, John Young, jun. William Gray, Robert Caither, col. Lewis Farmer, John Keppeler, William Adcock, Joseph Pennel, Joseph Hubley, John Mease, Peter Stretch, Nathaniel Donald, William Hardy, Joseph Snowden, James Wilson, William Sheaf, and Edward Fox.

The board of treasury having also recommended a person to superintend the making of paper for loan-office certificates and bills of exchange, Congress proceeded to the election, and the ballots being taken, Mr. George Bright was elected.

Whereas, in pursuance of the recommendation of Congress of March 2d, a volunteer corps of cavalry from the state of Virginia, under the command of the hon. gen. Nelson, are now in this city, on their way to the army, under the command of gen. Washington: and, whereas, the removal of the enemy from this state renders the employment of this corps at present unnecessary:

*Resolved*, That it be recommended to the said corps to return.

*Resolved*, That the thanks of Congress be given to the hon. gen. Nelson and the officers and gentlemen under his command, for their brave, generous and patriotic efforts in the cause of their country.

A motion was made, to add as follows, "and that it be warmly recommended to the inhabitants of the several states to imitate, in public emergencies, the virtuous conduct of the volunteers from Virginia:"

The previous question being called for, and the yeas and nays required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Chase,	ay	ay
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay			Forbes,	ay	ay
	Gerry,	ay	<i>Virginia</i> ,	Mr. R. H. Lee,	ay	
	Dana,	ay		Banister,	ay	ay
	Holten,	ay		T. Adams,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	div.
<i>Connecticut</i> , Mr. Hosmer,	ay	ay		Williams,	ay	
	Sherman,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	
	A. Adams,	ay		Drayton,	no	no
<i>New-York</i> , Mr. Lewis,	no	no		Matthews,	no	
	Duer,	no		Heyward,	no	
	G. Morris,	no	<i>Georgia</i> ,	Mr. Telfair,	ay	ay
<i>New-Jersey</i> , Mr. Witherspoon,	ay	ay				

So it passed in the affirmative, and the main question was set aside.

*Ordered*, That the letter of the 23d of June last, from the council of Massachusetts-Bay, so far as relates to their state's clothing their troops, be referred to the board of war, and that the board take such measures and give such orders thereon as they judge proper.

*Ordered*, That the proceedings of Congress on Thursday last, during the audience of sieur Gerard, minister plenipotentiary from his most Christian majesty, be forthwith published, as entered on the journals.

Adjourned to nine o'clock on Monday.

#### MONDAY, August 10, 1778.

Mr. Harnett, a delegate from North-Carolina, attended, and took his seat in Congress.

A letter, of the 3d and 4th, from gen. Washington, at White-Plains, was read, with sundry papers enclosed:

*Ordered*, That so much of the said letter as relates to the artillery, with brigadier Knox's letter and observations, be referred to the board of war:

That so much of the said letter as relates to the inlisting the draughts who are willing to enter into the service for three years, or during the war, be also



Referred to the board of war; and that they be directed to prepare a resolution for that purpose, and report the same as soon as possible:

That so much of the said letter as relates to the clothier-general's department, be referred to a committee of three: the members chosen, Mr. S. Adams, Mr. Sherinan, and Mr. Scudder.

*Resolved*, That a commander of the horse be appointed to-morrow.

A letter, of this day, from major Lee, was read:

*Ordered*, That it be referred to the board of treasury.

A letter, of July 27th, from major-general Green, with sundry papers enclosed, was read.

A memorial from col. R. Lawson, of the 4th Virginia regiment, was read:

*Ordered*, That it be referred to the board of war.

A letter, of the 7th, from gen. Washington, enclosing a copy of a letter of the 4th, from col. Laurens, at Providence, was read:

A letter, of the 3d, from gen. Washington to the board of war, with sundry papers enclosed, was laid before Congress, and read:

*Ordered*, That it be returned to the board of war, and that they be directed to report thereon.

A letter, of July 28th, from J. Warren, esq. one of the navy board in the eastern department, and one, of August 5th, from gov. Johnson, of Maryland, with sundry papers enclosed, were read:

*Ordered*, That they be referred to the marine committee.

A letter, of the 5th, from R. H. Harrison, and one, of the 1st, from major-general Sullivan, at Providence, were read.

A letter, of the 7th, from col. B. Flower, under arrest, was read, informing of his ill state of health, and requesting a relaxation of his confinement, and accompanied with a certificate from Dr. Clarkson, confirming the account of his infirm condition; Whereupon,

*Resolved*, That major-general Arnold be directed to permit col. B. Flower to go abroad for the benefit of the air, at such hours as he shall think most conducive to his health, under the custody of one or more vigilant and discreet officer or officers.

A letter, of the 7th, from George Partridge, esq. to Mr. Dana, was laid before Congress, and read:

*Ordered*, That it be referred to the board of war.

*Ordered*, That the letters lately received by the committee of commerce from New-Orleans, be referred to the board of war.

A motion was made, to agree to a proposition for exchanging gov. Franklin for gov. M'Kinley:

*Ordered*, That the consideration thereof be postponed.

*Resolved*, That two members be added to the committee of arrangement, and that the commander in chief, with the advice and assistance of the said committee or any two or more of them, be, and he is hereby empowered to proceed in arranging the army according to the resolutions of Congress: the members chosen, Mr. Sherman and Mr. Banister.

The committee on the post-office brought in a report; Whereupon,

*Resolved*, That 14,041½ dollars be advanced to Richard Bache, esq. post-master general, for the use of his department; the said R. Bache to be accountable.

A letter, of this day, from gen. Mifflin, was read:

*Ordered*, To lie on the table.

A letter, of the 7th, from gen. Washington, was read.

The committee of commerce brought in a report; Whereupon,

*Ordered*, That the bill drawn on the committee of commerce by Abraham Livingston, in favor of Samuel Curson, for 10,000 dollars, dated Charleston, South-Carolina, be paid.



**Ordered,** That the remainder of the report, together with the papers and accounts from Raymond Demere, deputy clothier in Georgia, be referred to the committee on that part of gen. Washington's letter relative to the clothier-general's department.

The board of war, to whom was referred the memorial of colonel Lawson, brought in a report :

**Ordered,** That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

**TUESDAY, August 11, 1778.**

A DECLARATION.

Whereas George Johnstone, esq. one of the British commissioners for restoring peace in America, on the 11th of April last, did write and send a letter to Joseph Reed, esq. a member of Congress, containing this paragraph, viz. "The man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this contest has drawn forth, will deserve more from the king and the people, from patriotism, humanity, and all the tender ties that are affected by the quarrel and reconciliation, than ever was yet bestowed on human kind." And, whereas, the said George Johnstone, esq. on the 16th day of June last, wrote and sent a letter to Robert Morris, esq. another member of Congress, containing this paragraph, viz. "I believe the men who have conducted the affairs of America incapable of being influenced by improper motives; but in all such transactions there is risk, and I think that whoever ventures should be secured, at the same time, that honor and emolument should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think Washington and the president have a right to every favor that grateful nations can bestow, if they could once more unite our interest and spare the miseries and devastations of war." Which letters were laid before Congress. And, whereas, the said Joseph Reed, esq. hath in his place in Congress declared, that "on Sunday the 21st of June last, a few days after the evacuation of the city of Philadelphia by the British troops, he received a written message from a married lady of character, having connexion with the British army, expressing a desire to see him on business, which could not be committed to writing: that, attending the lady agreeable to her appointment in the evening, after some previous conversation respecting her particular connexions, the business and characters of the British commissioners, and particularly of gov. Johnstone (meaning the said George Johnstone, esq.) were the subjects of general conversation, which being more confined, the lady enlarged upon the great talents and amiable qualities of that gentleman, and added, that in several conversations with her, he (gov. Johnstone) had expressed the most favorable sentiments of him (Mr. Reed,) and that it was particularly wished to engage his (Mr. Reed's) interest to promote the objects of their commission, viz. a re-union between the two countries, if consistent with his principles and judgment; and that, in such case, it could not be deemed unbecoming or improper in government, (meaning the British,) to take a favorable notice of such conduct; and that, in this instance, he (Mr. Reed) might have £ 10,000 sterling, and any office in the colonies (meaning these United States) in his majesty's gift, (meaning the gift of his Britannic majesty,) to which, finding an answer was expected, he (Mr. Reed) replied, "He was not worth purchasing, but such as he was, the king of Great-Britain was not rich enough to do it." And, whereas, the said paragraphs, written and sent as aforesaid, by George Johnstone, esq. and the said declaration made by Joseph Reed, esq. call loudly upon Congress to express their sentiments upon them :

Therefore, *Resolved*, That the contents of the said paragraphs, and the particulars in the said declaration, in the opinion of Congress, can not but

be considered as direct attempts to corrupt and bribe the Congress of the United States of America,

*Resolved*, That as Congress feel, so they ought to demonstrate, the highest and most pointed indignation against such daring and atrocious attempts to corrupt their integrity,

*Resolved*, That it is incompatible with the honor of Congress to hold any manner of correspondence or intercourse with the said George Jonhstone, esq. especially to negotiate with him upon affairs in which the cause of liberty is interested.

A motion was made to add, "and, whereas, the conduct of the said George Johnstone, esq. in the aforesaid particulars, unavoidably effects his colleagues in commission, and unfavourably impresses the mind, so that full confidence cannot be placed in them: therefore,

*Resolved*, That Congress will not, in any degree, negotiate with the present British commissioners in America, for restoring peace:"

On which the yeas and nays being required by Mr. Chase,

<i>New-Hampshire</i> , Mr. Bartlett,	no	>no	<i>Maryland</i> ,	Mr. Chase,	no	
<i>Massa'sts-Bay</i> , Mr. Gerry,	no			Plater,	no	}no
	Dana,	no		Forbes,	no	
	Lovell,	no	<i>Virginia</i> ,	Mr. R. H. Lee,	no	
	Holten,	no		T. Adams,	no	}no
<i>Rhode-Island</i> , Mr. Marchant,	ay	>ay		Harvie,	no	
<i>Connecticut</i> , Mr. Sherman,	no		<i>N.-Carolina</i> ,	Mr. Harnett,	no	
	A. Adams,	no		Williams,	ay	}div.
<i>New-York</i> , Mr. G. Morris,	no	*	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no			Drayton	ay	
	Scudder,	ay		Matthews,	ay	}ay
	Boudinot	no		Heyward,	no	
<i>Pennsylvania</i> , Mr. Roberdeau,	no	>no	<i>Georgia</i> ,	Mr. Telfair,	ay	>ay
	J. Smith, excused from voting, he not being present at the debate,					

So it passed in the negative.

It was then moved and agreed to add to the foregoing resolutions, as follows:

And for the propriety of such conduct we make and publish to the world this our declaration.

Done in Congress at Philadelphia, this 11th day of August, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

A motion was made, to re-consider the resolutions passed:

On which the yeas and nays being required by Mr. Morris,

<i>New-Hampshire</i> , Mr. Bartlett,	no	>no	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>Massa'sts-Bay</i> , Mr. Gerry,	no			Plater,	ay	}ay
	Dana,	ay		Forbes,	ay	
	Lovell,	ay	<i>Virginia</i> ,	Mr. R. H. Lee,	no	
	Holten,	ay		T. Adams,	ay	}no
<i>Rhode-Island</i> , Mr. Marchant,	no	>no		Harvie,	no	
<i>Connecticut</i> , Mr. Sherman,	no		<i>N.-Carolina</i> ,	Mr. Harnett,	ay	
	A. Adams,	no		Williams,	no	}div.
<i>New-York</i> , Mr. G. Morris,	ay	*	<i>S.-Carolina</i> ,	Mr. Laurens,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	no			Drayton,	no	
	Scudder,	no		Matthews,	no	}no
	Boudinot,	no		Heyward,	no	
<i>Pennsylvania</i> , Mr. Roberdeau,	ay	>ay	<i>Georgia</i> ,	Mr. Telfair,	no	>no
	J. Smith,	ay				

So it passed in the negative.

*Ordered*, That the declaration, as agreed to, be signed by the president and published.

A motion was made, that a copy of the declaration be signed by the pre-

ident and sent by a flag to the commissioners of the king of Great-Britain, at New-York.

On motion, *Resolved*, That the consideration of that motion be postponed.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the delegates of Massachusetts-Bay, for 500 dollars, to be paid to Mr. F. Dana, on his application for the same; the said state to be accountable:

That a warrant issue on the treasurer in favor of colonel Robert Lawson, late commandant of the 4th Virginia regiment, for the sum of 460 dollars, to indemnify him for the loss of a horse killed under him at the battle of Germantown, and for the loss of his bridle and saddle:

That a warrant issue on the treasurer in favor of Dr. Isaac Forster, deputy director-general of the military hospital in the eastern department, for 100,000 dollars, for the use of his department, and for which he is to be accountable; and that the same be paid to John de la Mater, as requested by the doctor.

That a warrant issue on the treasurer in favor of Joseph Nourse, paymaster to the board of war and ordnance, on the application of the said board, for 30,000 dollars, to enable col. Henry Hollingsworth, whom they have employed in purchasing provisions to discharge some contracts he is engaged in; which is to be charged to the board of war.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, August 12, 1778.

Congress resumed the consideration of the motion respecting the declaration; *Whereupon*,

*Resolved*, That a copy of the declaration passed yesterday be signed by Mr. President, and sent by a flag to the commissioners of the king of Great-Britain at New-York.

A letter of the 8th, from brigadier Maxwell, and one of the 7th, from Adam Ferguson, enclosing a remonstrance on the subject of the detention of the troops lately serving under lieutenant-general Burgoyne, with a requisition for their immediate release:

*Ordered*, That the same be referred to a committee of five: the members chosen Mr. G. Morris, Mr. Chase, Mr. Drayton, Mr. S. Adams, and Mr. Witherspoon.

A petition from Henry baron Essich was read:

*Ordered*, That it be referred to a committee of three, and that the committee be empowered and directed to enquire into the facts therein set forth, and to grant such relief as they may think expedient; and farther, that the said committee be directed to enquire into the state of the legion commanded by count Pulaski, and report thereon: the members chosen, Mr. Penn, Mr. Marchant, and Mr. Chase.

A letter, of the 11th, from major-gen. Mifflin, was read.

*Ordered*, To lie on the table.

*Ordered*, That Tuesdays and Thursdays in every week be set apart for regulating the affairs of the treasury and finances; and that no other business, excepting the reading and disposing of public letters, be taken up on those days without the unanimous consent of the house, until the business aforesaid is gone through and finished.

A motion was made that Congress meet twice a day:

Question put, passed in the negative.

A letter of the 11th, from gen. Nelson, was read:

*Ordered*, That the vote of thanks to gen. Nelson, and the officers and gentlemen of the corps of volunteers under his command, together with the foregoing letter, be published.

The committee on the treasury brought in a report ; Whereupon,  
*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 40,000 dollars, in favor of major Lee, for the use of the corps of light dragoons under his command ; for which he is to be accountable :

That, on the application of the board of war and ordnance, a warrant issue on the treasurer in favor of Mr. Joseph Nourse, pay-master to the said board, for 10,000 dollars, to be by him transmitted to col. David Kennedy, of Winchester, in Virginia, to complete the barracks ordered to be built in the said place ; the said David Kennedy to be accountable.

A report from the board of war was read ; Whereupon,

*Resolved*, That every officer in the army of the United States, whose duty requires his being on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding 500 dollars, as a compensation for his horse so killed ; this resolution to have retrospect as far as the first day of May, 1777 ; and that the quarter-master general be, and is hereby, authorized to pay the value of such horses, not exceeding the said sum, to the respective sufferers, on the facts being properly authenticated.

*Resolved*, That the expenses incurred by col. John Green, for keeping two horses during the time his wounds rendered his removal last campaign out of New-Jersey necessary, be allowed him, and that the same be referred to the commissioners of claims for settlement.

Congress proceeded to the election of an additional number of signers of continental bills of credit, and the ballots being taken, Mr. William Rush, Mr. Robert Roberts, and Mr. Gunning Bedford, were elected.

A petition from Patrick M'Mullen was read :

*Ordered*, To lie on the table.

The committee to whom was referred the memorial of colonel Knoblauch, brought in a report, wherein they represent, that, having examined his several commissions and recommendations, it appears that col. de Knoblauch is an experienced officer, and hath served in the several countries mentioned in his memorial ; that the subjects contained in the said memorial being various, ought to be referred to the boards to whom they more particularly belong ; Whereupon,

*Resolved*, That so much of the memorial as relates to contracts for frigates, be referred to the marine committee :

That so much as relates to arms, linen, cloth, &c. be referred to the board of war :

That the propriety of employing col. Knoblauch be referred to the board of war, to report thereon upon such information as they may now or hereafter receive :

That, in the interim, colonel Knoblauch be permitted to repair, as a volunteer, to the American camp, and that he be allowed the sum of 125 dollars per month.

Adjourned to nine o'clock, to-morrow.

#### THURSDAY, August 13, 1778.

*Resolved*, That no passes be granted to any person or persons to go into New-York, but by Congress or the commander in chief ; and that major-general Arnold be directed to recal any pass or passes he may have given to any persons going to New-York from the city of Philadelphia, who have not yet gone under such passes.

The committee to whom was referred the report from the board of treasury of the 15th of April last, brought in a report, which was read.

On motion, *Resolved*, That Saturday in every week, be added to the days already set apart for regulating the business of the treasury and finance.

**Ordered,** That the report lie on the table for the perusal of the members, to be taken into consideration on Tuesday next.

**Resolved,** That Saturday next, be appointed to take into consideration the state of foreign affairs, and that Mr. S. Deane be requested to attend Congress on that day, to give them information respecting the general state of those affairs and a particular state of their funds and commercial connexions in Europe, and especially with Mons. de Beaumarchais.

**Ordered,** That the committee on foreign affairs lay before Congress, on Friday, all letters and other public papers which they may have received from the commissioners, agents, or other persons, who have transacted business for the United States in Europe, from the original appointment of the committee of secret correspondence, to this day.

Adjourned to nine o'clock to-morrow.

**FRIDAY, August 14, 1778.**

A letter, of the 9th, from gen. Washington, was read, enclosing one of the 6th, from major-general Sullivan.

A letter, of August 1st, from Mr. Huntington, one of the delegates from Connecticut, at Norwich, directed to the delegates of that state in Congress, was laid before Congress, and read, setting forth sundry evils and abuses in the hospitals in the eastern district: Whereupon,

**Resolved,** That the resolution of Congress of the 9th of June last, authorizing the deputy director-general of the hospital in the eastern department, in the absence of the director-general, to superintend the medical affairs of that department, be, and it is hereby repealed; and that the said hospital for the future be under the same regulations as the hospitals in the other departments.

**Resolved,** That the director-general be directed to enquire into the state of the hospital in the eastern department, and give proper orders for the good government and economy thereof, and discharge unqualified and supernumerary officers, if any there be.

Whereas, it is of great consequence to the general weal that the enemy at New-York should not be supplied with provisions, which may relieve the distress at present prevailing in their army and fleet; and for the more effectual execution of the embargo,

**Resolved,** That the vice-president and supreme executive council of the state of Pennsylvania, be requested to station one of their galleys, under command of a vigilant officer, near the mouth of the Cape-May channel, with orders to search all vessels that may be outward bound, either through Cape-May channel or the Delaware; and if any shall be found exporting provisions contrary to the embargo, that they be brought before the government, to answer for such, their misconduct.

**Resolved,** That the governor of New-Jersey be requested to take the most effectual measures to enforce due observance of the embargo, as Congress consider it of the first importance to continue the distress prevailing in the enemy's fleet and army at New-York for provisions; and because there is reason to apprehend that the coast trade with provisions may be productive of supply to the enemy, either through the vigilance of the cruisers, or by ill designing avaricious men.

A petition of John Hart, in behalf of himself and others, respecting the capture of the sloop Peggy, was read:

**Ordered,** That it be referred to the committee on appeals.

A memorial from Thomas Tewson, in behalf of himself and others, was read:

**Ordered,** That it be referred to a committee of three: the members chosen, Mr. Chase, Mr. Marchant, and Mr. Penn.



A petition from Patrick Colvin, at Trenton-ferry, was read : Whereupon *Resolved*, That the quarter-master general be directed, if he has any boats or flats belonging to the public at any of the ferries on the river Delaware unemployed, to lend two of them to Patrick Colvin, to be by him employed at Trenton-ferry for the accommodation of the public.

A petition from William Allison, guardian of John Blakely, in behalf of the said John Blakely, was read : Whereupon,

It was moved that it be committed : question put, passed in the negative.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due to Thomas Edison, his pay as clerk in the secretary's office, from the 12th of June to the 12th of August, 1778, inclusive, 160 dollars, and for his expenses from York-town to Philadelphia, 16 dollars, making in the whole, 176 dollars :

That there is due to the Rev. Mr. Lotbinier, as chaplain, his pay and subsistence from the 11th of July to the 10th of August, 1778, both days inclusive, 60 dollars :

That there is due to col. John Greene for the expenses of keeping two horses in the fall of 1776, when he was wounded in the state of New-York, and which were necessary to carry him to his place of residence in Virginia, 200 dollars :

*Ordered*, That the said accounts be paid.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. Penn, one of the delegates of the state of North-Carolina, for 2000 dollars, advanced upon his application ; the said state to be accountable.

Congress proceeded to the election of an additional number of signers of the continental bills of credit, and the ballots being taken, the following gentlemen were chosen, viz. John Shee, Francis Lewis, jun. William Marshall, Joseph Wilson, James Royson, James Little, James Rowan, and Isaac All.

The board of war, to whom was referred the memorial of the hon. sieur Gerard, relative to Mr. William Straker, having made report thereon, and the same being read,

*Ordered*, That the said report and papers referred to, relative to Mr. Straker, be referred to the government of the state of Pennsylvania, to determine whether they will consider Mr. William Straker, lately made prisoner by the count d'Estaing's squadron, as a citizen of the state of Pennsylvania ; and if the said government shall determine to consider and receive the said Mr. William Straker as a citizen of their state, that they be desired to transmit a certificate of their determination to the sieur Gerard, minister plenipotentiary of his most Christian majesty.

The committee to whom were referred the papers relative to Cornelius Sweers and colonel B. Flower, brought in a report, which was read : after debate,

*Ordered*, That it be re-committed.

*Ordered*, That three members be added to the committee : the members chosen, Mr. Marchant, Mr. Harvie, and Mr. T. Adams,

The committee on foreign affairs laid before Congress sundry letters and papers which they have received from the commissioners, agents and other persons who have transacted public business in Europe.

Adjourned to nine o'clock to-morrow.

#### SATURDAY, August 15, 1778.

A motion was made to resolve, that the members of this house keep secret from all but the members of this house, under like obligations of secrecy, such information as may be derived from an inspection of the papers of the committee of secret correspondence, or from hearing the same read :



After debate, the previous question was moved, and the yeas and nays required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>Maine's Bay</i> , Mr. S. Adams,	no			Plater,	ay	ay
	Gerry,	ay		Forbes,	ay	
	Lovell,	ay	<i>Virginia</i> ,	Mr. R. H. Lee,	no	
	Holten,	ay		Banister,	ay	div.
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		T. Adams,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay			Harvie,	no	
	Hosmer,	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	ay
	A. Adams,	ay		Harnett,	ay	
<i>New-York</i> , Mr. Lewis,	ay			Williams,	ay	
	Duer,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	ay
	G. Morris,	ay		Drayton,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no			Matthews,	ay	
	Scudder,	no	<i>Georgia</i> ,	Mr. Telfair,	ay	ay
<i>Pennsylvania</i> , Mr. R. Morris,	ay			Langworthy,	ay	
	Reed,	ay				
	J. Smith,	no				

So it was resolved in the affirmative, and the main question set aside.

It was then moved to resolve, that no matter contained in the letters laid before Congress by the committee for foreign affairs, be communicated to any persons out of Congress without permission of the house :

After debate, the previous question was moved, and the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Bartlett,	no	no	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>Maine's Bay</i> , Mr. S. Adams,	no			Plater,	ay	ay
	Gerry,	no		Forbes,	ay	
	Lovell,	no	<i>Virginia</i> ,	Mr. R. H. Lee,	no	
	Holten,	no		Banister,	ay	div.
<i>Rhode-Island</i> , Mr. Marchant,	no	no		T. Adams,	ay	
<i>Connecticut</i> , Mr. Sherman,	no			Harvie,	no	
	Hosmer,	no	<i>N.-Carolina</i> ,	Penn,	no	
	A. Adams,	no		Harnett,	ay	ay
<i>New-York</i> , Mr. Lewis,	ay	ay		Williams,	ay	
	Duer,	ay	<i>S.-Carolina</i> ,	Mr. Laurens, excused,		
<i>New-Jersey</i> , Mr. Witherspoon,	no	no		Drayton,	ay	ay
	Scudder,	no		Matthews,	ay	
<i>Pennsylvania</i> , Mr. R. Morris,	ay			Heyward,	ay	
	Reed,	ay	<i>Georgia</i> ,	Mr. Telfair,	ay	ay
	J. Smith,	no		Langworthy,	ay	

So it was resolved in the affirmative, and the main question was set aside.

Mr. M'Kean, a delegate from Delaware, attended, and resumed his seat in Congress.

A motion was then made, that the contents of the letters laid upon the table by the committee of foreign affairs, be kept secret till the enquiry into the state of our foreign affairs, and the conduct of our commissioners be finished :

An amendment was moved, to add as follows, excepting such parts thereof, as having been already communicated to the house without an injunction of secrecy, or having been read by private members or others, may have been divulged.

Question being put, and the yeas and nays required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Bartlett,	no	no	<i>New-York</i> ,	Mr. Lewis,	ay	
<i>Maine's Bay</i> , Mr. S. Adams,	no			Duer,	ay	ay
	Gerry,	no		G. Morris,	ay	
	Lovell,	no	<i>New-Jersey</i> ,	Mr. Witherspoon,	no	no
	Holten,	no		Scudder,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	<i>Pennsylvania</i> ,	Mr. R. Morris,	no	
<i>Connecticut</i> , Mr. Sherman,	no			Reed,	ay	ay
	Hosmer,	no		J. Smith,	ay	
	A. Adams,	no	<i>Delaware</i> ,	Mr. M'Kean,	no	no

<i>Maryland,</i>	Mr. Chase,	no	} ay	<i>N.-Carolina,</i>	Mr. Penn,	no	} no
	Plater,	ay			Harnett,	no	
	Forbes,	ay			Williams,	ay	
<i>Virginia,</i>	Mr. R. H. Lee,	no	} no	<i>S.-Carolina;</i>	Mr. Laurens,	no	} no
	Banister,	no			Drayton,	ay	
	T. Adams,	no			Matthews,	no	
				<i>Georgia,</i>	Mr. Langworthy,	ay	} div.
					Telfair,	no	

So it passed in the negative.

The main question was then put ; and the yeas and nays required by Mr. Chase,

<i>New-Hampshire,</i>	Mr. Bartlett,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
<i>Mass'tts-Bay,</i>	Mr. S. Adams,	ay		<i>Maryland,</i>	Mr. Chase,	no	
	Gerry,	ay	} ay		Plater,	no	} no
	Lovell,	no			Forbes,	no	
	Holten,	ay		<i>Virginia,</i>	Mr. R. H. Lee,	no	} ay
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay		Banister,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay			T. Adams,	ay	
	Hosmer,	ay	} ay		Harvie,	ay	
	A. Adams,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
<i>New-York,</i>	Mr. Lewis,	no	} no		Harnett,	no	} no
	Duer,	no			Williams,	no	
	G. Morris,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay		Drayton,	no	
	Scudder,	ay			Matthews,	no	
<i>Pennsylvania,</i>	Mr. R. Morris,	no	} no		Heyward,	no	
	Reed,	no		<i>Georgia,</i>	Mr. Telfair,	no	} no
	J. Smith,	no			Langworthy,	no	

So it was resolved in the affirmative.

A letter, of this day, from major-general Arnold, was read, which letter was accompanied with the proceedings and sentence of a general court-martial on Frederick Verner, charged with acting as a spy and guide to the British army ; and sets forth, "that as the evidences do not appear sufficiently full and clear to touch the life of a citizen, he has suspended the sentence until the pleasure of Congress is known:" the letter also was accompanied with the proceedings and sentences of a general court-martial on adjutant Wallace, Patrick M'Mullen, and Henry Love, together with sundry certificates, &c. relative to the matter ; and states, that "as the evidence against the two former is in his opinion, insufficient to touch their lives, and as there are several circumstances in favor of the latter, he begs leave to recommend them to Congress as proper objects of mercy ; Whereupon,

*Ordered,* That so much of the said letter as relates to Frederick Verner, together with the proceedings and sentence of the general court-martial, and the papers relative to the matter, be referred to the supreme executive council of Pennsylvania, and that they be requested to report their opinion thereon to Congress.

That so much of the said letter as relates to adjutant Wallace, Patrick M'Mullen, and Henry Love, with the proceedings and sentence of the general court-martial on them, and the certificates, &c. relative to the matter, be referred to a committee of three: the members chosen, Mr. Marchant, Mr. James Smith, and Mr. Harvie.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to Bryan Lefferty, for his subsistence as a prisoner (agreeable to the articles of capitulation with major-general Schuyler, January 18, 1776,) from the 2d of August, 1777, to the 29th of July, 1778, both days inclusive, 51 weeks and four days, at 28 shillings per week, the sum allowed by Congress, 192 40-90 dollars :

*Ordered,* That the said account be paid.

The committee on the treasury brought in a report; Whereupon,  
**Ordered,** That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favour of the committee of commerce, for 10,646 60-90 dollars, to enable them to pay Samuel and Isaac Penrose, on account of a balance due to them by the secret committee for freight of a cargo by the ship Sally, delivered at Cadiz, and for demurrage of the said ship; the committee of commerce to be accountable.

**Ordered,** That the farther consideration of the report be postponed.

**Ordered,** That Mr. Deane be introduced, and that a seat be prepared for him at the end of the lower table, on the president's right hand.

Mr. Deane was accordingly introduced, and delivered two letters, one from Dr. Franklin, dated Passy, March 31st, 1778, and one from Mons. de Beasmarchais, dated Paris, March 24th, 1778; which were read.

Mr. Deane was then proceeding to give the information required; whereupon a motion was made, that the information be given in writing:

**Ordered,** That Mr. Deane withdraw.

Accordingly he withdrew; and on motion made, that the narrative Mr. Deane shall give to this house, of his transactions in France, be in writing.

After debate the previous question was moved, and the yeas and nays being required by Mr. S. Adams,

<i>N.-Hampshire,</i>	Mr. Bartlett,	ay	ay	<i>Delaware,</i>	Mr. McKean,	ay	ay
<i>Maine's Bay,</i>	Mr. S. Adams,	no		<i>Maryland,</i>	Mr. Chase,	ay	
	Gerry,	no			Plater,	no	no
	Lovell,	ay	no		Forbes,	no	
	Holton,	no		<i>Virginia,</i>	Mr. Banister,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	no	no		T. Adams,	no	no
<i>Connecticut,</i>	Mr. Sherman,	ay			Harvie,	no	
	Hosmer,	ay	ay	<i>N.-Carolina,</i>	Mr. Penn,	no	
	A. Adams,	no			Harnett,	ay	ay
<i>New-York,</i>	Mr. Lewis,	no			Williams,	ay	
	Duer,	no	no	<i>S.-Carolina,</i>	Mr. Laurens,	no	
	G. Morris,	ay			Drayton,	no	no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	ay		Heyward,	ay	
	Scudder,	ay		<i>Georgia,</i>	Mr. Telfair,	no	
<i>Pennsylvania,</i>	Mr. R. Morris,	no			Langworthy,	no	no
	Reed,	ay	no				
	James Smith,	no					

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. Chase,

<i>N.-Hampshire,</i>	Mr. Bartlett,	no	no	<i>Delaware,</i>	Mr. McKean,	no	no
<i>Maine's Bay,</i>	Mr. S. Adams,	ay		<i>Maryland,</i>	Mr. Chase,	no	
	Gerry,	ay	ay		Plater,	no	no
	Holten,	ay			Forbes,	no	
	Lovell,	ay		<i>Virginia,</i>	Mr. Banister,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	ay		T. Adams,	no	no
<i>Connecticut,</i>	Mr. Sherman,	ay			Harvie,	no	
	Hosmer,	ay	ay	<i>N.-Carolina,</i>	Mr. Penn,	no	
	A. Adams,	ay			Harnett,	no	no
<i>New-York,</i>	Mr. Lewis,	ay			Williams,	no	
	Duer,	no	no	<i>S.-Carolina,</i>	Mr. Laurens,	ay	
	G. Morris,	no			Drayton,	no	no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	ay		Heyward,	no	
	Scudder,	ay		<i>Georgia,</i>	Mr. Telfair,	no	
<i>Pennsylvania,</i>	Mr. R. Morris,	no			Langworthy,	no	no
	Reed,	no	no				
	James Smith,	no					

So it passed in the negative.

**Resolved,** That Mr. Deane be called in, and informed that Congress desire his attendance again on Monday morning, at ten o'clock, to give, from his

memory, a general account of his whole transactions in France, from the time of his first arrival, as well as a particular state of the funds of Congress, and the commercial transactions in Europe, especially with Mr. Beaumarchais, and to answer such questions as may be asked.

Mr. Deane being called in, and informed of the desire of Congress, withdrew.

A letter, of the 13th, from gen. Washington, at White-Plains, and one, of the 10th, from major-general Sullivan, at Portsmouth, Rhode-Island, and one, of the 12th, from W. Palfrey, esq. were read :

*Ordered*, That the last be referred to the board of war.

Adjourned to ten o'clock on Monday.

**MONDAY, August 17, 1778.**

Applications from Mrs. Wilson, Fanny Radden, and Maria Barrel, for leave to go to New-York, were laid before Congress and read :

*Ordered*, To lie on the table.

Mr. Deane attending according to order, was introduced, and proceeded to give the information required, and, having made some progress therein, he had leave to withdraw, and accordingly withdrew.

*Ordered*, That Mr. Deane attend on Wednesday morning, at ten o'clock, to proceed in his information.

A letter, of the 11th, from gen. Washington, enclosing one, of the same date, to him from W. Palfrey, pay-master general ; also a letter, of the 11th, from the said W. Palfrey to Congress, were read :

*Ordered*, That the letters from W. Palfrey be referred to the board of treasury.

A letter, of this day, from major-general Mifflin, was read, enclosing his commission, which, for reasons set forth in the said letter, he begs leave to resign :

*Ordered*, That the said letter, together with his letters of the 10th and 11th, be referred to a committee of three : the members chosen, Mr. G. Morris, Mr. Reed, and Mr. Witherspoon.

The committee to whom was referred a letter from gen. Washington, of the 28th of July, respecting major-gen. Putnam, and the report of the court of enquiry on the subject of the posts on the Highlands, on Hudson's river, taken last year, which was transmitted to Congress, report,

That, upon a careful examination of the facts stated by the court of enquiry, and consideration of the evidence taken and transmitted, it appears that those posts were lost, not from any fault, misconduct, or negligence, of the commanding officers, but solely through the want of adequate force under their command to maintain and defend them.

*Resolved*, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the assistant auditor-general reports,

That there is due to Charles Cist, for his services in attending the making of paper, by order of the treasury board, the sum of 418 dollars, including his expenses while on that service :

That there is due to Timothy Barret, for polishing and planishing two copper plates for engraving, by order of the board of treasury, the sum of 21 30-90 dollars :

That there is due to the following persons, for boarding and funeral expenses of gen. du Coudray, deceased, the sum of 695 60-90 dollars, viz.

To Mary House, for boarding and lodging him and his family, the sum of 400 dollars, and for sundries furnished for the funeral, the sum of 137 dollars, making together the sum of 537 dollars :

To Amelia Taylor, for crape for the funeral, the sum of 74 60-90 dollars :

To Martin Jacques and James Gillingham, for coffin and furniture, the sum of 80 dollars ; and to the Rev. Ferdinand Farmer, for his attendance, &c. at the chapel, 4 dollars, making in the whole 695 60-90 dollars :

*Ordered*, That the said accounts be paid.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of Isaac Melchior, esq. barrack-master general, for 50,000 dollars, for the use of his department ; for which he is to be accountable :

That a warrant issue on the treasurer for 63,000 dollars, in favor of Charles Stewart, esq. commissary-general of issues, for the use of his department, and for which he is to be accountable :

That a warrant issue on the treasurer in favor of Dr. Witherspoon, one of the delegates of the state of New-Jersey, for 500 dollars, it being advanced upon his application ; the said state to be accountable :

That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of the committee of commerce, for 5555 50-90 dollars, to enable them to pay Jonathan Williams the freight of 180 bales of merchandise, imported on public account from France ; the said committee to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue in favor of Joseph Nourse, pay-master to the said board, for 100,000 dollars, to enable the board to pay for the transportation of and making up clothing, and to continue the purchase of stockings, shoes, hats and blankets, for the army ; the said Joseph Nourse to be accountable.

*Resolved*, That so much of the report of the board of treasury as respects the grant of money to James Mease, esq. clothier-general, be re-committed, and that the board report specially thereon.

*Resolved*, That all the loan-office certificates struck by resolutions of Congress of the 3d day of October, 1776, the 14th of January and 22d day of February, 1777, and 860 certificates of 1000 dollars each, numbered from No. 1, to 860, of the emission ordered by Congress the 17th day of January, 1778, which have been signed by Michael Hillegas, esq. treasurer, or Samuel Hillegas, be good and valid, notwithstanding some of the said certificates may be issued by the several commissioners of the continental loan-offices, after the date of the resolution of Congress, appointing Francis Hopkinson, esq. treasurer of loans.

*Resolved*, That each officer in the department of the quarter-master and barrack-master general attending Congress, be directed, from time to time, to render to the several members accounts of the articles supplied them respectively, according to the cost thereof: that such accounts be paid to the pay-master of the board of war and ordnance, who shall give to the respective members duplicate receipts for the money paid, one of which to be left at the board of treasury.

Adjourned to ten o'clock to-morrow.

## TUESDAY, August 18, 1778.

A letter, of the 14th, from brigadier Weedon, was read, praying Congress, for reasons therein set forth, to reconsider the resolution of the 19th of March, for settling the rank of the Virginia brigadiers ; or if Congress will please to continue him in the line till he can take an active part again with propriety, declaring that he will, whenever that is the case, be ready and willing to serve ; Whereupon Congress came to the following resolution :

Whereas disputes have arisen between brigadiers Weedon and Woodford, relating to their rank in the armies of the United States, which were finally determined in Congress on the 19th of day March, 1778, in favor of

brigadier Woodford, by which determination brigadier Weedon finds himself so circumstanced as not to be able to serve with the main army :

*Resolved*, That brigadier Weedon be permitted to retire ; that he hold his present rank in the said armies, and that he be called into service whenever, from a change of circumstances, the inconveniencies he now labors under can be removed ; provided, that during the time of his being retired, he shall not be entitled to receive either pay or rations, and provided also, that unless he shall be called into, and remain in service during the war, he shall not be entitled to half pay.

On passing the foregoing resolution, the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Pennsylvania</i> , Mr. Roberdeau,	no	no
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay		<i>Maryland</i> , Mr. Chase,	ay	
	Gerry,	ay		Plater,	no
	Lovell,	ay		Forbes,	no
	Holten,	ay	<i>Virginia</i> , Mr. T. Adams,	no	div.
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		Harvie,	ay
<i>Connecticut</i> , Mr. Hosmer,	ay		<i>North-Carolina</i> , Mr. Penn,	ay	
	A. Adams,	ay		Harnett,	no
<i>New-York</i> , Mr. Lewis,	ay			Williams,	ay
	Duer,	no	<i>South-Carolina</i> , Mr. Laurens,	no	
	G. Morris,	ay		Drayton,	ay
<i>New-Jersey</i> , Mr. Elmer,	ay			Heyward,	ay
	Scudder,	ay	<i>Georgia</i> , Mr. Telfair,	ay	
	Boudinot,	ay		Langworthy,	ay

So it was resolved in the affirmative.

A letter, of the 12th, from the marquis de Britigny, was read :

*Ordered*, That it be referred to a committee of five : the members chosen, Mr. Drayton, Mr. Duer, Mr. Lovell, Mr. Marchant, and Mr. Chase.

A letter, of the 10th, from col. Radiere, was read :

*Ordered*, To lie on the table.

A letter, of this day, from col. baron Arendt, was read, entreating Congress to permit him, for the recovery of his health, to cross the sea ; and for that purpose to grant him leave of absence for twelve months :

*Resolved*, That his prayer be granted, and that a furlough for twelve months be granted to baron d'Arendt, colonel in the service of the United States.

A letter, of the 13th, from count Pulaski, was read :

*Ordered*, That it be referred to the committee appointed to enquire into the state of the legion under the command of brigadier count Pulaski.

A letter from gen. Washington, respecting Mr. Fearer and Mr. Kleinsmeit, was read :

*Ordered*, That it be referred to the board of war.

A letter from Thomas Dawkins, purser of the Mermaid frigate, was read :

*Ordered*, That it be referred to the marine committee.

A letter, of the 17th, from Mons. de la Balme, was read :

*Ordered*, That it be referred to the board of war.

A letter, of this date from Cornelius Sweers, was read :

*Ordered*, That it be referred to the committee on the case of col. Flower and Cornelius Sweers.

A letter, of the 16th, from col. Knoblauch, was read.

In consequence of recommendations from brigadiers or officers commanding brigades,

*Resolved*, That the Rev. John Gano be appointed chaplain of the brigade commanded by brigadier James Clinton :

That the Rev. Hezekiah Smith, of Haverhill, in Massachusetts-Bay, be appointed chaplain to the brigade commanded by brigadier John Nixon :

That the Rev. Adam Boyd be appointed chaplain to the North-Carolina brigade, commanded by col. Clarke :



That the Rev. John Hurt be appointed chaplain to the brigade late commanded by brigadier Weedon:

That the Rev. David Avery be appointed chaplain to the brigade commanded by col. John Baily, late brigadier Learned's brigade.

The committee of commerce laid before Congress a letter of April 25th, and one of the 2d of May last, from Mr. Schweighauser, at Nantes, with sundry papers enclosed:

*Ordered*, To lie on the table.

Also a letter of July 3d, from Mr. Abraham Livingston, at Charleston, South-Carolina, enclosing a letter from Stephen Ceronio, at Cape Francois, to the said Mr. Livingston:

*Ordered*, That these be referred to the committee of commerce, and that the committee be directed to report specially thereon.

A letter, of the 5th, from John Baynton, and one of the 6th, from Andrew Lewis and Thomas Lewis, commissioners at Fort-Pitt, with sundry papers enclosed, were read:

*Ordered*, That they be referred to the board of war.

A letter, of this day, from major Bigelow, was read.

A letter, of the 14th, from the board of war, was read; Whereupon,

*Resolved*, That the board of war be empowered and directed to take such measures with regard to the making up, storing and transporting the imported clothing mentioned in the resolutions of Congress of the 28th of May last, as to them shall seem expedient and best adapted to present circumstances; any thing contained in the said resolutions notwithstanding.

*Ordered*, That a warrant issue on the treasurer, in favor of James Mease, esq. clothier-general, for 20,000 dollars, to enable him to answer a draught of his agents, Messrs. Otis and Andrews, of Boston, in favor of sir James Jay, for a like sum received of him by the said agents; the clothier-general to be accountable.

A memorial from Henry Dulhauer, on behalf of himself and his comrade, Frederick Brown, was read:

*Ordered*, That it be referred to the board of war.

*Adjourned* to ten o'clock to-morrow.

### WEDNESDAY, August 19, 1778.

Mr. Cyrus Griffin, a delegate from Virginia, attended, and produced the credentials of the appointment of the delegates from that state, which were read as follows:

"IN THE GENERAL ASSEMBLY OF VIRGINIA, May 29th, 1778.

*Resolved*, That Thomas Adams, John Harvie, John Banister, Francis Lightfoot Lee, Merewether Smith, Richard Henry Lee, and Cyrus Griffin, Esqrs. be appointed delegates to represent this commonwealth in Congress, for one year from the 11th day of August next.

ARCHIBALD CARY, *Speaker of the Senate.*  
BENJAMIN HARRISON, *S. H. D."*

A letter, of the 16th, from gen. Washington, enclosing a copy of one of the 13th, from major-general Sullivan, at Rhode-Island, was read:

A letter, of the 17th, from Joseph Nourse, secretary of the board of war and ordnance, was read, enclosing a monthly return of military stores.

The marine committee having informed Congress that a fleet of the enemy is now in the river Delaware, their strength and destination unknown:

*Resolved*, That the marine committee be empowered and directed immediately to equip and despatch, with all possible expedition, all the armed vessels now in port, to aid the frigate Chimere, and annoy the enemy.

On motion, *Ordered*, That the clothier-general make a return to Congress

of the issues of clothing made by him, or any of his agents, to the several regiments in the continental service, from the 1st day of October last.

The committee to whom was referred that part of gen. Washington's letter of the 4th, respecting the department of the clothier-general, brought in a report, which was read :

*Ordered*, That the consideration thereof be postponed.

*Ordered*, That Mr. Deane be informed, that Congress do not expect his attendance this day, but that he attend on Friday next, at ten o'clock, to proceed in his information.

Congress proceeded to the election of two members to the navy board in the middle district, and the ballots being taken, captain Nathaniel Falconer and James Searle, esq. were elected.

The marine committee brought in a report, which was taken into consideration ; Whereupon,

*Resolved*, That the respective navy boards be authorized and empowered to appoint and constitute courts of enquiry and courts-martial, under the direction of the marine committee, to examine and determine all offences and misdemeanors in the marine department, according to law martial, in the same manner as by a resolve of the 6th of May last is prescribed in certain cases therein mentioned, and that this resolve continue in force until the 6th day of May next, and no longer.

*Resolved*, That application be made to his excellency the count d'Estaing, vice-admiral of France, to purchase of him all such prize ships and other vessels which he may take on the coasts of these states, as he may not choose to retain in his hands or send into port :

That the marine committee take proper measures to execute this resolution, and make monthly reports to Congress of the several vessels that may be so purchased, and the cost thereof.

*Resolved*, That the marine committee be instructed to stipulate for the payment of such vessels as shall be so purchased in continental currency or provisions.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to Gifford Dalley, for providing an entertainment on the reception of Mons. Gerard, minister plenipotentiary from the court of France, on Thursday, the 6th instant, the sum of 1424 dollars :

That there is due, to Richard Ross, for riding express from January the 15th, 1777, to November the 1st, 280 days, a balance of 195 dollars.

The auditor-general further reports,

That there is due, to James Milligan, esq. for his pay as commissioner of accounts at the board of treasury, from the 16th of March to the 19th of August, inclusive, 157 days, at five dollars per day, 785 dollars :

That there is due, to William Turnbull, esq. for his pay as commissioner of claims at the treasury office, from December 3d, 1777, to February 4th, 1778, 64 days, at four dollars per day, 256 dollars ; and 5th of February to the 18th of August, inclusive, 195 days, at five dollars per day, 975 dollars ; in all, 1231 dollars :

That there is due, to Mr. Thomas Ewing, for his pay as clerk to the board of treasury and commissioners of claims, from the 28th of December, 1777, to the 28th of July, 1778, seven months, at 75 dollars per month, 525 dollars.

*Ordered*, That the said accounts be paid.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That upon application of the board of war and ordnance, a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 6000 dollars, in favor of Mr. Joseph Nourse, pay-master to the board, to be advanced by them to Thomas Mayberry, of



New-Jersey, in part of the sum of 13,333 1-3 dollars, which he is to receive on a contract for iron between him and col. B. Flower, commissary-general of military-stores, dated at Lebanon, the 28th of May, 1778; the said Joseph Nourse to be accountable.

Adjourned to nine o'clock to-morrow.

THURSDAY, August 20, 1778.

A letter, of the 19th, from major-general Arnold, was read :

*Ordered*, That it be referred to the board of war, and that the board report their opinion on the necessity of an additional number of troops to the corps of invalids, for the purpose of guards in the city of Philadelphia; and if an additional number is, in their opinion, necessary, how many and for what purposes.

A letter, of the 23d of June, from major-general R. Howe, was read :

*Ordered*, That it be referred to a committee of five: the members chosen, Mr. Telfair, Mr. Drayton, Mr. Harnett, Mr. Scudder, and Mr. Gerry.

A letter, of this day, from J. M'Kinley, esq. late president of the state of Delaware, was read, soliciting to be exchanged for William Franklin, esq. late governor of New-Jersey; Whereupon,

A motion was made, that the sense of the house be taken, whether it is consistent at present with the interest of the United States to consent to the exchange of William Franklin, esq. late governor of New-Jersey:

The previous question was moved; on which the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Chase,	no	
<i>Mass'atts-Bay</i> , Mr. S. Adams,	ay			Plater,	ay	ay
Gerry,	ay	ay		Forbes,	ay	
Lovell,	ay		<i>Virginia</i> ,	Mr. T. Adams,	ay	
Holten,	ay	ay		Harvie,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		R. H. Lee,	ay	
<i>Connecticut</i> , Mr. Hosmer,	ay	ay		Griffin,	no	
A. Adams	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-York</i> , Mr. Lewis,	no			Harnett,	no	no
Duer,	no	no		Williams,	no	
G. Morris,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-Jersey</i> , Mr. Elmer,	ay	ay		Drayton,	no	ay
Scudder,	ay	ay		Heyward,	ay	
Boudinot,	ay		<i>Georgia</i> ,	Mr. Telfair,	no	div.
<i>Pennsylvania</i> , Mr. Roberdeau,	ay	ay		Langworthy,	ay	
James Smith,	ay	ay				

So it was resolved that the main question be not put.

On the question put,

*Resolved*, That W. Franklin, esq. late governor of New-Jersey, is a prisoner of the United States.

A motion was made, that Congress consent to the exchange of president M'Kinley for governor Franklin; to which the previous question was moved, the yeas and nays being required by Mr. Gerry,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Plater,	ay	ay
<i>Mass'atts-Bay</i> , Mr. S. Adams,	ay			Forbes,	ay	ay
Gerry,	no	div.	<i>Virginia</i> ,	Mr. T. Adams,	ay	
Lovell,	no			Harvie,	ay	ay
Holten,	ay			R. H. Lee,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		Griffin,	ay	
<i>Connecticut</i> , Mr. Hosmer,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	
A. Adams,	ay	ay		Harnett,	ay	no
<i>New-York</i> , Mr. Lewis,	no			Williams,	no	
Duer,	ay	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
G. Morris,	ay			Drayton,	no	no
<i>New-Jersey</i> , Mr. Scudder,	no	div.		Heyward,	no	
Boudinot,	ay		<i>Georgia</i> ,	Mr. Telfair,	no	div.
<i>Pennsylvania</i> , Mr. Roberdeau,	no	div.		Langworthy,	ay	
James Smith,	ay					

So the main question was set aside.

A letter, of July 23d, from John Wereat, esq. of Savannah, in Georgia, was read, accompanied with an appeal from the judgment of a court of admiralty on a libel against the armed brig Hinchinbroke:

*Ordered*, That the same be referred to the committee on appeals.

A letter, of July 14th, from John Sanford Dart, of South-Carolina, with an invoice of clothing enclosed, was read.

*Ordered*, That it be referred to the board of war.

A letter, of this day, from capt. I. Stoddard, was read; Whereupon,

*Ordered*, That to-morrow be assigned for taking into consideration the report of the board of war on the petition of capt. Stoddard and others.

A letter, of July 22d, from Raymond Demere, was read:

*Ordered*, That it be referred to the committee on a former letter from the said Mr. Demere.

*Resolved*, That a member be added to the said committee: the member chosen, Mr. Forbes.

A memorial from the hon. the sieur Gerard, minister plenipotentiary of France, was read, informing that a French sailor, taken on board of an English privateer by an American ship, is confined in the prison of Philadelphia, and requesting that the Congress of the United States of America would be pleased to give orders that the said sailor be delivered to his disposal, on the assurance of an equal return in a similar case:

*Ordered*, That it be referred to the marine committee, and that they comply with the said request.

The committee to whom was referred the letter from gen. Washington, relative to baron Steuben, brought in a report:

*Ordered*, That it be referred to gen. Washington, and that he be desired to consider the same, and return it to Congress, with his opinion and observations thereon.

A letter from John Campbell was read, setting forth that he is settled on islands independent, and in a country deemed neutral and independent, and that looking on himself in that light, he desires permission may be granted to him for a free trade with the United States:

*Ordered*, To lie on the table, and that Mr. Campbell be informed that Congress do not think it expedient to give any decision on the matter.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for 3000 dollars, in favor of the committee of commerce, to be by them transmitted to Messrs. James and Adam Hunter, of Fredericksburg, in Virginia, to pay wages due to the seamen on board the brig Morris, now under their care, loaded with tobacco on public account, and other charges attending that vessel; the said committee to be accountable:

That a warrant issue on the treasurer for 500 dollars, in favor of Mr. J. Wentworth, one of the delegates from the state of New-Hampshire, advanced upon his application; the said state to be accountable:

That a warrant issue on the treasurer for 250 dollars, in favor of James Green, jun. in discharge of a bill drawn by Samuel Johnston, treasurer of the northern district of the state of North-Carolina, and dated the 16th day of March, 1777, for that sum, in favor of the said James Green, jun. the said state to be accountable:

That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, on the application of the board of war and ordnance, for 17,786 dollars, in favor of Joseph Nourse, their pay-master, to be by him forwarded to brigadier count Pulaski, for equipping his legion; the said brigadier count Pulaski to be accountable.-

Adjourned to ten o'clock to-morrow.

FRIDAY, *August 21, 1778.*

A letter, of the 16th, from gen. Washington, was read, which was accompanied with the proceedings of a court-martial on the trial of major-gen. Lee, and enclosing sundry papers, comprehending a request by major-gen. Phillips, for an officer to go into Canada by the way of the lakes, on the subject of clothing for the convention troops :

*Ordered*, That the said papers, with so much of gen. Washington's letter as relates to gen. Phillips' request, be referred to a committee of three : the members chosen, Mr. Chase, Mr. Duer, and Mr. R. H. Lee.

*Ordered*, That the proceedings of the court-martial lie on the table for the perusal of the members, to be taken into consideration on Wednesday next.

Another letter, of the 19th, from gen. Washington, was read, enclosing a copy of a letter of the 17th, from major-gen. Sullivan.

A letter, of the 20th, from the council of Pennsylvania, was read, informing that the council and a committee of the hon. house of assembly desire a conference with a committee of Congress, on the subject of fortifying the river Delaware ; Whereupon,

*Resolved*, That a committee of three be appointed to confer with the council and committee of the assembly of Pennsylvania, on the business aforesaid : the members chosen, Mr. R. H. Lee, Mr. Duer, and Mr. Scudder.

A letter from Fanny Raden was read, praying for leave to go to New-York :

*Resolved*, That leave be not granted.

*Resolved*, That when any persons are desirous of going within the enemy's lines, they shall apply to the executive powers of the state to which they belong ; and if the said executive powers approve the motives and characters of the persons applying, and shall be of opinion, especially at so critical conjunctures as the present, that no danger will ensue by granting such permission, that they recommend them to the officer commanding the troops next to the enemy, who, upon such recommendation, may, at his discretion, permit the persons to go in.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of the invalid regiment, for pay and subsistence for the months of May and June last, the sum of 937 54-90 dollars :

*Ordered*, That the said accounts be paid.

The marine committee, to whom was referred the memorial of captain Pierre Mordret, report,

That the case set forth by the said memorial should be determined by a court of admiralty ;

*Resolved*, That Congress agree to the said report.

According to order, Mr. S. Deane attended, and proceeded in his information, and having finished the general account of his transactions, from the time of his first arrival in France to his departure from that kingdom, and of his commercial transactions in Europe, especially with Mr. de Beaumarchais, he had leave to withdraw, and withdrew accordingly.

*Ordered*, That 100 copies of the proceedings of the court-martial on the trial of major-general Lee, be printed for the use of the members.

Adjourned to nine o'clock to-morrow.

SATURDAY, *August 22, 1778,*

A letter, of this day, from Benjamin Randolph, and one of the same day, from col. Proctor, were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 17th, and one of the 18th, from baron de Kalb, were read :

*Ordered*, That the letter of the 18th, lie on the table, and that the letter of the 17th, be referred to a committee of three: the members chosen, Mr. R. H. Lee, Mr. Duer, and Mr. Lovell.

Two letters, of this day, from captain Stoddard, were read:

*Ordered*, To lie on the table.

A letter from Mrs. Sweers was read:

*Ordered*, To lie on the table, until the report of the committee on the case of col. Flower and Cornelius Sweers is taken into consideration.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Joseph Nourse, pay-master of the board of war and ordnance, for 332,743 60-90 dollars, being the balance of the sum of 932,743 60-90 dollars, granted by Congress on the 11th of June last, for carrying on an expedition against the Indians; the said Joseph Nourse to be accountable.

The order of the day being called for, Congress took into consideration the report of the committee on the treasury, when it was agreed, that the report shall be considered and debated by paragraphs; to which amendments may be offered and questions taken on the several amendments, but no question shall be put on the report till the whole is gone through, and then the question shall be put to agree to the whole as amended.

In considering the powers of the comptroller,

A motion was made, after the words "payable by the United States," to insert "in consequence of resolutions of Congress;"

On the question, the yeas and nays being required by Mr. Chase,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Virginia</i> ,	Mr. T. Adams,	no	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay			Harvie,	no	
	Lovell,	ay		R. H. Lee,	no	
	Holten,	ay		Griffin,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>Connecticut</i> , Mr. A. Adams,	no	no		Harnett,	no	
<i>New-York</i> , Mr. Duer,	ay			Williams,	no	
	G. Morris,	no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-Jersey</i> , Mr. Elmer,	no	no		Drayton,	ay	
<i>Pennsylvania</i> , Mr. Roberdeau,	ay	ay	<i>Georgia</i> ,	Mr. Langworthy,	no	
<i>Delaware</i> , Mr. M'Kean,	ay	ay		Telfair,	no	
<i>Maryland</i> , Mr. Chase,	ay					
	Plater,	ay				
	Forbes,	ay				

So the states being equally divided, the motion was lost.

*Ordered*, That the farther consideration of the report be postponed, to Tuesday next.

Adjourned to nine o'clock on Monday.

#### MONDAY, August 24, 1778.

A letter, of July 20th, from brigadier Moultrie, was read, enclosing a letter of the 18th, from Dr. Oliphant:

*Ordered*, That so much of the said letter as relates to the clothing-department, lie on the table:

That so much as relates to the new establishment of the army, be referred to the board of war: and that so much as relates to the hospital, together with Dr. Oliphant's letter, be referred to the committee of arrangement.

Another letter, of the 27th of July, from brigadier Moultrie, was read:

*Ordered*, To lie on the table.

A letter, of the 10th, from James Graham, of New-York, was read:

*Ordered*, That it be referred to the delegates of South-Carolina and Georgia.

A letter from Messrs. Hodgson & Brown, inhabitants of New-Providence, taken on board the ship Charlotte, by the fleet under the command of the

coant d'Estaing, and confined in the new gaol of Philadelphia, was read, praying Congress to consider their case and to grant whatever indulgence their situation may be judged entitled to:

**Ordered,** That the said Messrs. Hodgson & Brown be informed, that they, being prisoners of his most Christian majesty, and not inhabitants of any of these United States, their application for indulgence must be made to the minister of France.

A letter, of this day, from col. Wadsworth, commissary-general of purchases, was read: Whereupon,

Congress took into consideration the report of the committee on the letter of July 23d, from the said commissary to his deputy Ephraim Blaine, esq. wherein the said committee report as their opinion, "that the transportation of flour to the eastern states by sea, is wise and necessary:" Whereupon,

**Resolved,** That the commissary general of purchases do procure in Pennsylvania, Delaware, Maryland, and Virginia, on the most reasonable terms, 20,000 barrels of flour:

That the said commissary-general of purchases be directed to procure vessels for the transportation of the flour aforesaid; and that he give timely notice of the sailing of the said vessels, and confer thereon with the marine committee, to the end, that convoy may be obtained and the destination thereof directed.

The committee to whom were referred the papers relative to col. Benjamin Flower and Cornelius Sweers, for mal-practices in office, report,

That having caused Cornelius Sweers's deposition to be taken, (which is herewith presented) respecting his charge against col. Flower, and having confronted Cornelius Sweers and col. Flower, the latter did positively deny all and every part of the charge against him by the former: that during Sweers's examination, he appeared to be under fears and apprehensions; that during col. Flower's examination, he appeared possessed of a confidence of his innocence with respect to the charge: that col. Flower gave in to the committee a written declaration, stating his conduct in office, which is also herewith presented: that having examined Henry Baker, therein mentioned, it appears that at or about the time of the battle of Brandywine, in Philadelphia, the said Cornelius Sweers did, as stated in the said declaration, make him give a receipt for more money than was by Sweers paid to him: that about the 22d of June last, being ordered by col. Flower to arrest Cornelius Sweers, he, upon that occasion, told col. Flower of this conduct of Sweers: that col. B. Flower being farther examined, it appears he gave this order for the arrest of Sweers, being informed by Mr. Trumbull that a discovery had been made and laid before Congress, of several forgeries, supposed to be made by Sweers, in the public accounts he delivered into the treasury, and that this arrest was ordered before col. Flower heard that Congress had given any such order: that it appears from col. Flower's public letter book, that he used his best endeavors to cause Cornelius Sweers to be apprehended without any loss of time: that it appears from col. Flower's examination that it was after Sweer's arrest, and while he was in confinement at Philadelphia, that he told Cornelius Sweers of his being informed, as stated in the declaration, that Cornelius Sweers had taken a receipt for more money than he had paid, which particular Sweers admitted, namely, that col. Flower had so told him: that Sweers, having been repeatedly questioned upon the point, as often declared he had not any charge to make against col. Flower, other than what was stated in his deposition, nor did he know of any other instance of mal-practice in col. Flower's conduct in his department: that upon the whole, it does not appear to the committee that there is sufficient evidence on the part of Cornelius Sweers to support a prosecution



against col. Flower, whose integrity, in their opinion, stands unspotted, notwithstanding the charge by Sweers : Whereupon, Congress passed the following resolution :

Whereas, after minute enquiry it has appeared to Congress, that the integrity of col. Benjamin Flower, commissary-general of military stores, remains unspotted, notwithstanding the charge by Cornelius Sweers, deputy commissary-general of military stores, against col. Flower, for fraud in his office :

*Resolved*, That col. Benjamin Flower be discharged from his arrest, and permitted to resume the functions of his office.

Whereas, there are so many strong appearances of Cornelius Sweers being guilty of divers forgeries and frauds against the public in his official transactions :

*Resolved*, That able counsel be retained on behalf of the United States, in a court of law to prosecute Cornelius Sweers, for the forgeries and frauds by him committed in office ; and that the books and papers (except Sweer's deposition and letters relative thereto,) and the accounts in possession of Congress, relative to such mal-conduct, be placed in the hands of such counsel, as materials whereupon to ground the prosecution to form and support the charge ; and further, that col. B. Flower be required to collect all necessary witnesses capable of demonstrating the frauds which are apparent in the public accounts, wherein forgeries are supposed to have been committed by the said Cornelius Sweers.

*Resolved*, That the board of treasury be empowered and directed to employ the counsel above directed to prosecute Cornelius Sweers.

The committee on the treasury brought in a report : Whereupon,

*Ordered*, That the following warrants, amounting to 3,000,000 of dollars, issue in favor of Jeremiah Wadsworth, esq. commissary-general of purchases, for the use of his department, viz.

One on the treasurer for 2,850,000 dollars ; one on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 100,000 dollars ; one on Thomas Harwood, esq. commissioner of the continental loan-office in the state of Maryland, for 50,000 dollars, for which sum of 3,000,000 the said Jeremiah Wadsworth is to be accountable.

A petition from Phineas Babcock, was read ; Whereupon,

*Resolved*, That the said petition be transmitted to the commissioners of accounts at Albany, and that the said commissioners be authorized to examine into the merits of the said petition, and if upon an examination of evidence and other vouchers produced by the said Babcock, they shall find that any of his stock or other property have been *bona fide*, applied for the use of the continental army, that they pass the accounts of the said Phineas Babcock for as much money as may be reasonably due for such stock or other property which may have been so applied.

A letter, of the 11th, from gov. Trumbull, and one, of July 25, from Mr. President Weare, of New-Hampshire, were read.

A letter, of the 15th, from P. Colt, esq. was read ; Whereupon,

*Ordered*, That a duplicate of the warrant in favor of William Buchanan, late commissary-general of purchases, for 100,000 dollars, on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for the use of Peter Colt, esq. dated July 6, 1778, be made out and sent to the said Peter Colt, and made payable to him in case the former warrant has not already come to his hands or been paid.

Adjourned to nine o'clock to-morrow.

TUESDAY, August 25, 1778.

A letter, of the 14th, from B. Harrison, esq. deputy pay-master general in Virginia, was read, enclosing his monthly account :

**Ordered,** That it be referred to the board of treasury.

A letter, of the 22d, from gov. Livingston, of New-Jersey, was read :

**Ordered,** That it be referred to the board of war.

A letter, of the 21st, from gen. Washington, was read, enclosing a memorial addressed to him by col. Rawlins and other officers of his regiment :

**Ordered,** That the same be referred to the board of war.

A letter, of the 18th, from major Gibbs, was read.

A letter, of the 21st, from the board of war, was read :

**Ordered,** That it be referred to the delegates of Virginia and North-Carolina.

Another letter of the 21st, from gen. Washington, and one of the 19th, from major-general Sullivan, at Rhode-Island, were read.

A memorial from Garret Steddiford, was read, representing, that he has the commission of ensign and quarter-master in the 3d Pennsylvania regiment, and praying to be allowed pay for and agreeable to his said commissions :

**Ordered,** That it be referred to the board of war

According to order, Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

**Ordered,** That the farther consideration thereof be postponed.

A letter, of the 21st, from major-general baron de Kalb, to Mr. R. Morris, was laid before Congress, and read :

**Ordered,** That it be referred to the board of war.

The committee on the treasury brought in a report ; Whereupon,

**Ordered,** That a warrant issue on the treasurer in favor of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 38,704 48-90 dollars, to enable them to pay for goods purchased of Peter Whitesides and Co. the said Joseph Nourse to be accountable.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, August 26, 1778.

A memorial from the marquis de Bretigny, was read :

**Ordered,** That it be referred to the committee to whom his letter of the 18th was committed.

A letter, of July 6th, from Mr. W. Bingham, at St. Pierre, Martinique, directed to the committee for foreign affairs, and enclosing sundry papers relative to vessels captured in the West-Indies, was read :

**Ordered,** That the same be referred to a committee of three : the members chosen, Mr. Hosmer, Mr. Drayton, and Mr. Chase.

A letter, of the 24th, from Cornelius Sweers, was read :

A memorial from John Harper & Co. owners of the schooner Liberty, respecting the said schooner, and proceedings thereon, was read :

**Ordered,** That the same, with the papers accompanying it, be referred to a committee of three : the members chosen, Mr. Chase, Mr. Smith, and Mr. Duer.

The board of war report, that the commissaries-general of purchases and issues have represented to them, that from the moving state of the army, many parts of the ration, as established by Congress, cannot frequently be obtained, and, from the peculiar circumstances attending the supplies, there is sometimes an over quantity of one article while others are extremely scarce, some of the states affording greater quantities of meat, while others abound more in flour ; and that from hence great embarrassments arise in the delivery of the stated ration ; and that under such fluctuating circumstances, which change with the motions of the army, it is impracticable and



troublesome to apply to Congress on every alteration of situation; Whereupon,

*Resolved*, That the commander in chief of the armies of the United States shall, in the army under his immediate command, and the commander of a department shall, in the army under his command, settle and determine according to circumstances, the ration to be issued to the troops, from time to time, giving an over proportion of a plentiful article in lieu and in full satisfaction of such as are scarce or not to be had, and which have been heretofore deemed part of the ration, reporting, from time to time, to the board of war, such alterations and regulations by them respectively made in this respect.

*Ordered*, That the remainder of the report be taken into consideration to-morrow.

A letter, of this day, from the board of war, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. R. Morris, Mr. Marchant, and Mr. S. Adams.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to John Pinkerton, for six Windsor chairs for the use of the treasury-office, the sum of 36 dollars:

That there is due, to Levallin Barry, for riding express from June 1st, 1777, to Nov. 1st, and contingent expenses, a balance of 246 82-90 dollars:

That there is due, to col. George Morgan, for sundry contingent expenses paid by him at Fort-Pitt, by order of George Clymer, Sampson Matthews, and Samuel M'Dowell, esqrs. commissioners appointed by Congress, being for their expenses and the expense of two expresses from the Mississippi, &c. 1867 68-90 dollars:

*Ordered*, That the said accounts be paid.

The committee on the treasury report,

That they have considered the extra services and peculiar circumstances of William Bedlow, as set forth in his memorial, referred to them, and are of opinion that he be allowed 35 dollars per month, whilst acting as deputy pay-master to William Palfrey, esq. pay-master general, in addition to his former allowance of 50 dollars per month:

*Resolved*, That Congress agree to the said report.

The petition of James Hawker, captain of the Mermaid, prisoner in the new gaol, praying to be discharged on parole, was read, and it appearing to Congress that the said capt. Hawker had treated such American prisoners as fell into his hands with singular humanity and tenderness,

*Ordered*, That the marine committee enlarge the said capt. Hawker on his parole.

Adjourned to nine o'clock to-morrow.

#### THURSDAY, August 27, 1778.

In consequence of a recommendation by brigadier John Patterson,

*Resolved*, That the Rev. Enos Hitchcock be, and he is hereby, appointed chaplain to the Massachusetts brigade, commanded by brigadier J. Patterson.

A memorial from Hyam Solomon, late of the city of New-York, was read:

*Ordered*, That it be referred to the board of war.

A motion was made that Congress meet twice a day; Whereupon,

It was moved that the consideration of that question be postponed; question put, the states were equally divided, and the motion lost.

The determination of the main question was then, by a state, postponed till the next day.

A letter, of July 12th, from Richard Ellis, of Newbern, North-Carolina, and directed to the committee of commerce, was read:

**Ordered,** That it be referred to the committee of commerce, and that they report thereon if they judge proper.

A letter, of the 21st, from Stephen Steward, of West-river, Maryland, and directed to the committee of commerce, was read, desiring to know what he shall do with the ship Chase, and intimating that about 200 hogsheads of tobacco, belonging to the public, are now spoiling; Whereupon,

**Ordered,** That the committee of commerce direct Mr. Steward to sell the tobacco, and fit the vessel for sea with all despatch, to take on board a cargo of flour.

A letter, of the 14th, from Mr. de Francey to the committee of commerce, was read:

**Ordered,** That it be referred to the said committee.

A letter of the 22d, from Mons. Marmajou, was read, with sundry papers enclosed, relative to the brig Prudence:

**Ordered,** That the same be referred to the committee on the letter of July 6th, from Mr. W. Bingham.

The committee to whom was referred the memorial of John Mitchel esq. deputy quarter-master general, report,

That, as the deputy quarter-master general, *ex officio*, applied to the judge of the admiralty of Pennsylvania, and, by his authority, on behalf of the United States of America, took possession of a ship or vessel loaded with British property, sunk on the chevaux-de-frize in the river Delaware, and left there by the enemy; and as two merchants of Philadelphia have claimed the ship and cargo, having, as they say, bought them at vendue, when the enemy were in possession of Philadelphia; and, as the executive council of Pennsylvania have also set up a claim, on behalf of the state, to the same ship and cargo; and therefore these several claims must be determined by a suit at law: the committee recommend that John Mitchel, deputy quarter-master general, be authorized, at the charge of the United States, to prosecute their claim to the said ship and cargo.

**Resolved,** That Congress agree to the said report.

The committee appointed to consider part of a report of the committee of commerce, and the papers and accounts of Raymond Demere, deputy clothier-general in Georgia, brought in a report:

**Ordered,** To lie on the table.

The committee on the treasury brought in a report; Whereupon,

**Ordered,** That a warrant issue on the treasurer in favor of James Mease, esq. clothier-general, for 29,651 30-90 dollars, to enable him to pay a bill of exchange for this sum, drawn by Messrs. Otis and Andrews, of Boston, the 30th of June last, in favor of John Bradford, esq. and endorsed by him to the marine committee; the said J. Mease to be accountable:

That a warrant issue on the treasurer in favor of the marine committee, for 510 2-3 dollars, to enable them to discharge an account of Messrs. Hopkinson and Wharton, allowed for their expenses at Baltimore, and on their journey from thence to Philadelphia; the said marine committee to be accountable:

The board further report, that, having considered the petition of captain James Knox, of the 8th Virginia regiment, dated White-Marsh, camp, November, 19th, 1777, which was referred to them by Congress, they are of opinion that nothing is offered to prove that the petitioner was authorized to receive money for the officers and soldiers of his company, which, agreeably to the establishment, should have been paid by the regimental pay-master; that, supposing him justifiable in this, no evidence is adduced to shew that it was not through his neglect that the money which he drew for the officers and men of his company, remained in his hands when ordered to join col. Morgan's corps: that in the petition, it is set forth, that only 618 dollars

belonging to the said officers and soldiers, were delivered to capt. Berry at the time of his receiving the order to join col. Morgan; whereas, by the deposition of capt. Berry, it appears that 1512 dollars had been delivered to him by the petitioner, of which 618 dollars had been lost; that the evidence of John Key, relative to the breaking open the chest, appears unfavorable to the petitioner; Whereupon,

*Resolved*, That captain Knox have leave to withdraw his petition.

*Resolved*, That a committee of five be appointed to consider the state of the money and finances of the United States, and report thereon from time to time: the members chosen, Mr. R. Morris, Mr. Gerry, Mr. R. H. Lee, Mr. Witherspoon, and Mr. G. Morris.

*Ordered*, That the report of the committee on the proceedings of the convention of committees, be referred to the foregoing committee.

A letter, of the 24th, from gen. Washington, and one, of the 21st, from major-gen. Sullivan, were read.

Congress took into consideration the report of the committee to whom were referred the letters of major-gen. Gates, of the 22d of July, and of brigadier Parsons, of the 21st of July, relative to clothing purchased by major Bigelow, &c. Whereupon,

*Resolved*, That a warrant issue on the treasurer in favor of James Mease, esq. clothier-general, for 290,000 dollars, to be by him paid to major Bigelow, for the purpose of satisfying the contracts which he has made for clothing, in consequence of orders given him by the commanding officer on the east side of Hudson's river, in pursuance of the resolution of Congress of the 4th of March last; and that major Bigelow settle his accounts with the commissary-general of clothing.

*Resolved*, That major Bigelow, be, and he is hereby directed to deliver all the clothing, which he has purchased into the hands of the clothier residing with the army on the east side of Hudson's river, as the same shall, from time to time, be made up; and that he transmit to the commissary-general of clothing, particular invoices of the goods he has purchased, and accounts of the deliveries made.

Adjourned to nine o'clock to-morrow.

#### FRIDAY, August 28, 1778.

A letter, of the 22d, from the executive council of Pennsylvania, relative to the case of Frederick Verner, referred to them on the 15th, was read.

A memorial from John Connolly, prisoner in the new gaol, was read; Whereupon,

*Resolved, unanimously*, by all the thirteen states, that the commissary-general of prisoners be directed not to consent to the exchange of John Connolly, calling himself a lieutenant-colonel in the British service, without the special order of Congress.

*Ordered*, That the commissary-general of prisoners be directed not to deviate, in any instance, without the special order of Congress, from the resolution of the 30th of December, 1777, relative to the citizens of these states who may be taken in arms.

A letter, of the 25th, from gen. Washington, was read.

*Resolved*, That baron Steuben be requested forthwith, to repair to Rhode-Island, and give his advice and assistance to major-gen. Sullivan, and the army under his command. •

*Ordered*, That Mr. Thomas Adams have leave of absence.

Adjourned to nine o'clock to-morrow.

#### SATURDAY, August 29, 1778.

Mr. Henry, a delegate from Maryland, attended, and took his seat in Congress.

A letter, of this day, from baron Steuben, was read, expressing his zeal and readiness for every thing that can contribute to the service of these states, and informing, that he will instantly set out for Rhode-Island, agreeably to the orders of Congress.

*Ordered*, That 500 dollars be advanced to baron Steuben; he to be accountable.

A memorial from col. Knoblauch, was read; Whereupon,

*Resolved*, That col. Knoblauch be allowed two rations a day, and forage for two horses.

A memorial from the Rev. John Hurt, and a recommendation in his favor by brigadier Scott, to be appointed chaplain to his brigade, with a certificate that he has acted as such since the 25th of July last, were read; Whereupon,

*Resolved*, That the resolution of the 18th instant, appointing the said Mr. J. Hurt, chaplain to the brigade late commanded by brig. gen. Weedon, be re-considered, and that the said Mr. J. Hurt be appointed chaplain to the brigade commanded by brigadier Scott.

*Ordered*, That the memorial of the Rev. Mr. J. Hurt, so far as it relates to the settlement of his past accounts, be referred to the board of treasury.

Congress took into consideration the report of the committee on the papers and accounts of Raymond Demere; Whereupon,

*Ordered*, That the bill drawn by Raymond Demere on James Mease, esq. in favor of Minis & Cohen, for 5496 dollars, the bill drawn by the said Raymond Demere, on the said James Mease, in favor of Coshman Pollock, for 1287 dollars, both which bills are endorsed to don Juan de Mirailles, be paid; and that a warrant issue in favor of J. Mease, esq. clothier-general, for 6783 dollars, for payment of the same.

*Resolved*, That the clothier-general be empowered and directed to pay the bills duly drawn upon him by Raymond Demere, his deputy in Georgia, for the amount of clothing purchased for the troops in the continental service; the resolution past on the 6th of April last to the contrary notwithstanding.

*Ordered*, That a warrant for 500 guineas be issued on the treasurer in favor of the president, to be by him transmitted to the commander in chief, to be laid out for the public service; he to be accountable.

The committee to whom was referred the letter of the 15th, from major-general Arnold, report, that, in their opinion, the evidence against Patrick M'Mullen is sufficient, together with his own confession, to convict him of desertion, being the crime charged against him: that the court-martial which tried him certified to the general that the said Patrick M'Mullen is a person of most atrocious character: Whereupon,

*Resolved*, That major-general Arnold be informed that Congress do not see cause to remit the sentence passed by the court-martial on Patrick M'Mullen.

*Resolved*, That adjutant Wallace and Henry Love, upon the circumstances attending their particular cases, and the recommendation of them by gen. Arnold to the mercy of Congress, be, and they are hereby pardoned.

A letter, of the 28th, from capt. J. Stoddard, was read.

The board of war, to whom were referred the petition of captain Stoddard, and the memorial of captian Stoddard and other officers of the 2d regiment of light-dragoons, having made a report thereon, their report was read; Whereupon,

*Resolved*, That the memorial of the officers of the 2d regiment of light-dragoons, together with the report of the board of war, be transmitted to the committee of arrangement now with the army: that they be desired to enquire of general Washington whether the said memorial is to be considered as an application from the officers of the cavalry in general, and to know the general's opinion as to the mode and amount of the compensation,

which he shall deem proper to be allowed to the officers of the cavalry for the extra expenses they are at in equipping themselves for the service.

The committee on the treasury brought in a report, which was read, and after debate,

*Ordered*, That it be re-committed.

A letter, of the 28th, from John and Alexander Wilcocks, was read :

*Ordered*, To lie on the table, for future consideration.

Adjourned to nine o'clock on Monday.

### MONDAY, August 31, 1778.

A letter of the 13th, from Mr. M. Vischer, with sundry papers relative to Indian affairs in the northern department, was read :

*Ordered*, That they be referred to the board of war.

A letter, of the 25th, from governor Trumbull, of Connecticut, was read, respecting the settlement of the accounts of his son, the late Joseph Trumbull, esq. commissary-general :

*Ordered*, That it be referred to the board of treasury.

A letter, of the 14th, from the council of Massachusetts-Bay, was read, together with a letter from Messrs. Gardoqui and Sons, at Bilboa, dated June 4th, and a note from Arthur Lee, esq. commissioner at Paris, May the 12th.

A letter, of the 27th, from the committee of arrangement at camp, was read, informing, that a great spirit of inlisting had taken place among the soldiers who are brought into the army as drafts, and representing the expediency of authorizing the inlistment of them : Whereupon,

A report from the board of war, on a paragraph of a letter of the 3d and 4th, from general Washington, on that subject, was called for, and the same being read, a motion was made, that the sense of the house be taken on granting a sum of specie, to be applied in part of the bounty allowed to soldiers inlisting for three years, or during the war :

On which the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	no	>no	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no			Plater,	no	} ay
	Lovell,	no		Forbes,	ay	
	Holten,	no		Henry,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	no	>no	<i>Virginia</i> ,	Mr. Harvie,	ay	} ay
<i>Connecticut</i> , Mr. Hosmer,	no			R. H. Lee,	ay	
	A. Adams,	no		Griffin,	no	
<i>New-York</i> , Mr. Lewis,	ay		<i>N.-Carolina</i> ,	Mr. Penn,	no	} no
	Duer,	ay		Harnett,	no	
	G. Morris,	no		Williams,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	no	} ay
	Elmer,	no		Drayton,	no	
	Scudder,	no		Matthews,	ay	
<i>Pennsylvania</i> , Mr. Roberdeau,	no		<i>Georgia</i> ,	Mr. Walton,	ay	} ay
	J. Smith,	no		Telfair,	ay	
<i>Delaware</i> , Mr. M'Kean,	no	>no		Langworthy,	ay	

So it passed in the negative.

Congress proceeded to consider the report ; Whereupon,

*Resolved*, That it is essential to the interest and safety of these states, that the most speedy and effectual measures be, without delay, adopted for engaging in the continental service, for three years, or during the war, such of the drafts of the militia as are at present incorporated in the battalions of the respective states.

*Resolved*, That for this purpose the sum of 120,000 dollars, in continental money, be appropriated and forthwith remitted to W. Palfrey, esq. paymaster general of the army.

*Resolved*, That the usual bounty of 20 dollars be given to each recruit who shall inlist for three years, or during the war.



**Resolved**, That no soldier be permitted to enlist in the battalions of any other state than that in whose service he is at present engaged, except in the artillery, cavalry, engineering departments, and provosts; the men so engaged to be carried to the quota of the state for which they now serve.

**Resolved**, That general Washington be directed to cause the money hereby appropriated, to be paid into the hands of such trusty, active, and discreet officers as he shall think proper to appoint to recruit for the quota of the respective states, in proportion to the number of men not engaged for three years, or during the war, which each state shall have in the field.

A paper signed "Adam Ferguson, secretary to his majesty's commission," dated at New-York, August 26th, 1778, was read, setting forth, that "his majesty's commissioners direct Dr. Ferguson to transmit to the president of the American Congress, for the information of the Congress, the declaration of this day by George Johnstone, esq. and the declaration of the same date by the earl of Carlisle, sir Henry Clinton, and William Eden, esq. and also the requisition respecting the troops lately serving under lieutenant-general Burgoyne, signed by the earl of Carlisle, sir Henry Clinton, and William Eden, esq. which several declarations and requisitions, accompanying the said paper, were read.

**Ordered**, That a warrant issue on the treasurer in favor of James Mease, esq. clothier-general, for 30,222½ dollars, to discharge the following bills, drawn on him by Raymond Demere, his agent in Georgia, viz.

One dated April 21st, 1778, in favor of John Baddely, esq. for 4900 dollars; one of the same date, in favor of the same, for 5100 dollars; one of the same date, in favor of the same, for 5000 dollars; one of the same date, in favor of the same, for 4800 dollars; one dated June 10th, in favor of James Anderson, for 2422½ dollars; one dated July 21st, in favor of John Walters Gibbs, for 8000 dollars; amounting in the whole, to the sum of 30,222½ dollars; all expressed to be for value received in clothing for the continental troops of the state of Georgia; the said James Mease to be accountable.

A letter, of the 13th, from gov. Caswell, of North-Carolina, to Mr. Penn, one of the delegates of that state, was read:

**Ordered**, That it be referred to a committee of three: the members chosen, Mr. Marchant, Mr. Drayton, and Mr. Harvie.

**Ordered**, That Mr. Scudder have leave of absence.

Adjourned to nine o'clock to-morrow.

## TUESDAY, *September 1*, 1778.

The delegates from North-Carolina produced a new commission, which was read, as follows:

"(L. S.) STATE OF NORTH-CAROLINA.

*To Whitmill Hill and Thomas Burke, greeting:*

Whereas, the general assembly have made choice of you, Whitmill Hill and Thomas Burke, as delegates in the continental Congress, to represent this state, together with John Penn, Cornelius Harnett, and John Williams, esqrs. who have been heretofore appointed for that purpose. We do therefore commissionate and appoint you, the said Whitmill Hill and Thomas Burke, delegates in the Continental Congress, to represent this state for and during the term of one year, unless sooner removed by the general assembly of this state; of which five members, to wit, John Penn, Cornelius Harnett, John Williams, Whitmill Hill, and Thomas Burke, we do empower and require three and no more, unless prevented by unavoidable accident, to attend the councils of Congress, hereby giving and granting unto any two of the said delegates present in Congress, full power and authority, by their vote or assent, to bind the inhabitants of this state in all cases, not inconsistent with the constitution thereof and its rights as an independent sovereign people, and the instructions which they shall receive from this state. Wit-

ness, Richard Caswell, esq. governor, captain-general, and commander in chief of the said state, under his hand and the seal now used for said state, at Hillsborough, the 13th day of August, in the third year of our independence, Anno Domini, 1778.

R. CASWELL.

By his excellency's command,

J. GLASGOW, *Secretary of the State.*"

A letter, of August 30th, from baron d'Arendt, was read :

*Ordered*, To lie on the table.

A letter, of this day, from Cornelius Sweers, was read :

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. Drayton, Mr. G. Morris, and Mr. Chase.

A letter, of this day, from col. Wadsworth, was read ; Whereupon,

Congress resumed the consideration of the report of the board of war, dated August the 25th, and thereupon,

*Resolved*, That the commissary-general of purchases be empowered and directed to appoint and remove, at his pleasure, an inspector of cattle, at a salary of four dollars a day, with an allowance of one ration a day, and forage for one horse :

That the duty of the said inspector shall be to receive and take account of the fat cattle at camp, from the several drovers ; to inspect over the bullock guard and pastures ; to superintend the butchers, and see that no cattle are killed but those fit for use ; to keep accounts of the beef delivered to the brigade commissaries, and settle the same with them every month ; to see that the hides and tallow are seasonably delivered to the commissary of hides, and to superintend and regulate every thing relating to beef cattle at camp.

That he report monthly his proceedings to the board of war, and all occurrences worthy of notice within the line of his duty.

A letter, of July 20th, one of August 1st, and of the 11th of the said month, from major-general Heath, were read :

*Ordered*, That the letter of July 20th, lie on the table, and that the letter of August 1st, be referred to the board of treasury.

A letter, of August 29th, from the board of war, and one without date, from Mons. Holker, were read, respecting cannon arrived in North-Carolina ; Whereupon,

*Ordered*, That the committee to whom was referred the letter of August the 21st, from the board of war, be discharged from proceeding further in that matter, and that the said letter, together with those now read from the board of war and Mr. Holker, be referred to a committee of three : the members chosen, Mr. Matthews, Mr. Witherspoon, and Mr. S. Adams.

A letter, of August 23d, from J. Temple, was read, informing that, after seven years absence from his native country, he arrived at New-York with his wife and family on the third of that month, and begging leave to solicit Congress for liberty to come to Philadelphia, to pay his respects to them ; Whereupon,

A motion was made, that leave be granted :

On which the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Bartlett,	no	>no	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	} div.
<i>Massa'sts-Bay</i> , Mr. S. Adams,	no	} no		Elmer,	no	
Gerry,	no		<i>Pennsylvania</i> ,	Mr. R. Morris,	no	} no
Lovell,	no			Roberdeau,	no	
Holten,	no			J. Smith,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	>no	<i>Delaware</i> ,	Mr. M'Kean,	no	} no
<i>Connecticut</i> , Mr. A. Adams,	no	>no	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>New-York</i> , Mr. Lewis,	no	} no		Plater,	ay	} ay
Duer,	no			Forbes,	ay	
G. Morris,	ay			Henry,	ay	



Virginia,	Mr. Harvie,	no	} no	S.-Carolina,	Mr. Laurens,	no	} no
	R. H. Lee,	no			Drayton	no	
	Griffin,	ay			Matthews,	ay	
N.-Carolina,	Mr. Penn,	no	} no	Georgia,	Mr. Walton,	ay	} ay
	Harnett,	no			Telfair,	no	
	Williams,	ay			Langworthy,	ay	

So it passed in the negative.

A motion was then made, that the secretary inform Mr. Temple, that, if it is his intention to reside in one of the United States, he do signify the same to the state in which he means to reside, and obtain their approbation, previous to the granting of any passport :

On which the yeas and nays being required by Mr. Laurens,

New-Hampshire,	Mr. Bartlett,	ay	} ay	Maryland,	Mr. Plater,	ay	} ay
Massachusetts-Bay,	Mr. S. Adams,	ay			Forbes,	no	
	Gerry,	ay	} ay		Henry,	ay	
	Lovell,	ay		Virginia,	Mr. R. H. Lee,	ay	} +
	Holten,	ay			Griffin,	ay	
Rhode-Island,	Mr. Marchant,	ay	} ay	N.-Carolina,	Mr. Penn,	no	} ay
Connecticut,	Mr. A. Adams,	ay			Harnett,	ay	
New-York,	Mr. Lewis,	ay	} ay		Williams,	ay	
	Duer,	ay		S.-Carolina,	Mr. Laurens,	no	} no
New-Jersey,	Mr. Witherspoon,	ay	} ay		Drayton,	no	
	Elmer,	ay			Matthews,	ay	
Pennsylvania,	Mr. R. Morris,	ay	} div.	Georgia,	Mr. Walton,	ay	} ay
	Roberdeau,	no			Telfair,	ay	
Delaware,	Mr. M'Kean,	ay	} ay				

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, September 2, 1778.

A memorial from Matthew Irwin, Azariah Dunham, and Joseph Hugg, was read :

Ordered, That it be referred to the board of treasury.

Mr. Nicholas Vandyke, a delegate from Delaware, attended, and took his seat in Congress.

On motion, Resolved, That it be recommended to the legislative or executive powers of the state of Pennsylvania, and the states southward thereof, to permit such vessels to load with flour, wheat, rice, corn, pease, or beans, for the eastern states, as shall come recommended by the executive powers of such states, or any of them, to carry provisions for the consumption of the people of those states :

On putting the question, the yeas and nays being required by Mr. G. Morris,

New-Hampshire,	Mr. Bartlett,	ay	} ay	Maryland,	Mr. Chase,	ay	} div.
Massachusetts-Bay,	Mr. S. Adams,	ay			Plater,	no	
	Gerry,	ay	} ay		Forbes,	no	
	Lovell,	ay			Henry,	ay	
	Holten,	ay		Virginia,	Mr. Harvie,	no	} no
Rhode-Island,	Mr. Marchant,	ay	} ay		R. H. Lee,	ay	
Connecticut,	Mr. Hosmer,	ay			Griffin,	no	
New-York,	Mr. Lewis,	no	} no	N.-Carolina,	Mr. Penn,	no	} no
	G. Morris,	no			Harnett,	no	
New-Jersey,	Mr. Witherspoon,	ay	} div.		Williams,	no	
	Elmer,	no		S.-Carolina,	Mr. Laurens,	ay	} ay
Pennsylvania,	Mr. Roberdeau,	no	} no		Drayton,	ay	
	James Smith,	no			Matthews,	ay	
Delaware,	Mr. Vandyke,	ay	} ay	Georgia,	Mr. Walton,	ay	} ay
					Telfair,	ay	
					Langworthy,	ay	

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

**THURSDAY, September 3, 1778.**

A letter, of August 31st, from gen. Washington, was read, together with the following papers enclosed therein, viz. an account of officers for whom col. Armand desires commissions in his corps; a memorial of brigadier du Portail, respecting the rank of the officers who came with him; and a report of a board of general officers on an alteration of the rules and articles of war:

*Ordered*, That the letter, with the papers enclosed, be referred to the board of war.

The committee on the treasury brought in a report: Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Joseph Hilborn, for 500 dollars, in discharge of a bill drawn by Samuel Johnston, treasurer of the northern district of the state of North-Carolina, in favor of Richard Blackledge, for that sum, dated December 21st, 1776; the said state of North-Carolina to be accountable:

That a warrant issue on the treasurer in favor of Dr. Jonathan Potts, deputy director-general for the middle district, for 70,000 dollars, of which 40,000 is for the use of the hospitals thereof, and 30,000 to be transmitted to Dr. Johnston, assistant director in the northern department: the said Dr. J. Potts to be accountable:

That a warrant issue on the treasurer in favor of James Mease, esq. clothier-general, for 131,000 dollars, to enable him to answer sundry draughts of his agents; the said J. Mease to be accountable:

That a warrant issue on the treasurer in favor of David Mosely, for 200 dollars, advanced him on account of his wages, printing the bills of exchange.

*Resolved*, That where accounts of back rations are presented to the auditors of the army, which, from death or distant removal, cannot be certified by the issuing commissaries, the auditors be empowered to settle such back-rations upon the oath of the party, and such other evidence as the circumstances of the case will admit.

*Resolved*, That any person who has been or shall be appointed a brigade-chaplain, and previous to his appointment shall have acted in that capacity, be allowed for the time of such service, after the date of the certificate of the brigadier or colonel commandant of his brigade to Congress, recommending him to the said office, the pay and rations or subsistence of such a chaplain, deducting the sums received as regimental chaplain.

*Resolved*, That each auditor of the army be hereafter allowed for subsistence one ration per day and 50 dollars per month:

That the auditors of each army be authorized to augment the pay of their clerks to a sum not exceeding 70 dollars per month.

Congress proceeded to the election of an auditor of accounts at the main army, and the ballots being taken, James Johnston, esq. was elected.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Messrs. Furedge, Spanganberg, Miller, Shultz and Shultz, for their services the 6th of last month, 40 dollars:

That there is due to Hynman Taylor, for making two chair seats for the use of Congress, 27 30-90 dollars:

*Ordered*, That the said accounts be paid.

Congress took into consideration sundry reports from the board of war, and thereupon came to the following resolutions:

Whereas gen. Washington hath required that the continental troops in Philadelphia be sent to join the main army, and that they be replaced by the city militia:

*Resolved*, That the supreme executive council of the state of Pennsylvania be requested to call out immediately 300 of the militia of the state, to serve as guards in the city of Philadelphia, and perform such other military services as may be required of them.

**Resolved**, That the artillery regiment raised in Pennsylvania, commanded by col. Thomas Proctor, be considered as part of the quota of troops to be furnished by that state, which is to be credited for the men now in the regiment, and also for any who shall hereafter be recruited therein; and that the government of the said state be requested to furnish col. Proctor with the state bounty, to enable him to fill up the regiment to its complement of men:

That the committee of arrangement be directed to consider the state of the officers of the said regiment, and regulate the same in the manner and according to the rules adopted by them with respect to other artillery regiments.

**Resolved**, That, a new corps of troops be raised by the name of the German volunteers, to consist of such deserters from the foreign troops, which have been or shall be in the service of the king of Great-Britain, as shall be disposed freely to enlist therein:

That this corps be enlisted to serve for three years or during the war, and receive the usual bounty and clothing allowed to the troops in the service of the United States:

That each non-commissioned officer and soldier who shall enlist in the said corps, and bring with him the several articles of clothing enumerated in a resolve of Congress, passed the 6th day of September, 1777, and sufficient for one year's service, shall receive for the same the sum of 56 dollars, and so in proportion of any part of such clothing at the rates there fixed; the money allowed for such clothing to be paid by the clothier-general or one of his deputies, who shall charge the articles so paid for as clothing issued to the corps:

That lieutenants Fearer and Kleinsmit have, for the present, the pay of captains in the service of the United States, and be empowered to enlist the deserters aforesaid, preferring such as they can induce to leave the service of the enemy; and that captains' commissions be granted them, provided that within three months from the 3d day of September, each shall have enlisted at least 30 men:

That major Klein be appointed lieutenant-colonel of the corps of German volunteers.

**Resolved**, That lieut. Charles Juliat be permitted to serve as a volunteer in the infantry of gen. Pulaski's legion, and have the pay and subsistence of a lieutenant for his support:

That Mr. Gerard be appointed to the rank of lieutenant of dragoons by brevet, and be permitted to join the army under gen. Washington as a volunteer, he having agreed to serve in that capacity at his own expense.

**Resolved**, That the intended expedition against the Senecas and other hostile tribes of the northern Indians, mentioned in the resolution of Congress, of the 11th of June last, be for the present laid aside:

That general Washington be directed to pursue such practicable measures for the defence of the frontiers of the states exposed to the incursions of the northern Indians, as to him shall seem best adapted to present circumstances, calculated to check the ravages of the enemy, and to protect the distressed inhabitants of the said frontiers.

**Resolved**, That Samuel Ashe, esq. take rank as captain of the first troop of North-Carolina dragoons, from the 7th of May, 1777:

That Benjamin Mills, esq. take rank as lieutenant in the same troop, from July 15th, 1777:

That William Buford take rank as ensign in the same troop, from July 16th, 1777; and that commissions be granted to them accordingly.

**Ordered**, That the report of the board of war, on the representation of col. George Morgan, be re-committed:

That the report of the board of war, respecting major Mullens, be referred to the board of treasury.

*Resolved*, That till the 1st day of November next, Congress meet every morning at nine o'clock, and adjourn at one o'clock, unless all the members present shall consent to continue sitting; and every afternoon, Wednesdays and Saturdays excepted, meet at three and adjourn at six o'clock, unless it shall be determined by a majority to continue sitting; provided, always, that there shall be no debate on the question for adjournment.

A motion being made on the requisition of the earl of Carlisle, sir Henry Clinton, and William Eden, respecting the troops lately serving under lieutenant-general Burgoyne, relative to the removal of the said troops from their present place of confinement:

*Ordered*, That the consideration thereof be postponed till three o'clock to-morrow.

Adjourned to nine o'clock to morrow.

FRIDAY, *September 4, 1778.*

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That any regimental officer, who has been, or shall be, ordered by the commander in chief, or commanding officer of any department, on business not incidental to his office, and distant from camp, be allowed, for the expense of himself and horse, three dollars a day, whilst necessarily employed on such service.

The committee to whom was referred the letter of August 26th, from the board of war, relative to the expense of fitting up Mr. Dickinson's house for the residence of Mons. Gerard, report, that they have waited on Mr. Dickinson, who shewed them a contract entered into between him and the board of war, whereby it appears that the repairs are to be at the expense of the United States; Whereupon,

*Resolved*, That the committee be discharged.

On motion, *Resolved*, That the committee of commerce do, with all convenient speed, prepare and report to Congress a state of the debts and contracts of the United States, and an estimate of the sums necessary to fulfil and discharge such debts and contracts:

That the committee be empowered to employ such persons, and call for such accounts and papers as may be necessary for the purposes above mentioned.

That the members of the secret committee, now present, be a committee to close the accounts of that committee, and deliver them to the committee of commerce, and that the said members be authorized to employ proper persons for adjusting and closing the accounts of the secret committee.

The committee of commerce laid before Congress an invoice of sundry articles shipped on board the French tartan la Ceres, capt. Claude Icard, by order of the late Thomas Morris, esq. of Philadelphia, and consigned to William Bingham, esq. in Martinique, for account and risque of the United States, amounting to 14,437 15 l, French money:

*Ordered*, That the committee of commerce liquidate and pay the said account.

Congress being informed that the books and papers of Thomas Morris, late commercial agent of the United States in France, are deposited with the commissioners at the court of France, or some of them; and the hon. Robert Morris, esq. surviving partner and administrator of the deceased, applying to this house, to cause the same to be delivered to him, so that he may proceed to a settlement of the estate, &c.

*Ordered*, That the commissioners or commissioner, who shall be possessed of the said books and papers when this order arrives, deliver the same, both public and private, to the said Robert Morris, or to his order.

A letter, of the 1st, from I. Murray to Mr. Robert Morris, was laid before Congress, and read:

**Ordered,** That it be referred to the board of war.

A letter, of this day, from Mr. J. Nourse, was read, requesting leave to resign his office of secretary to the board of ordnance, and pay-master to the board of war and ordnance :

**Ordered,** To lie on the table for consideration.

THREE O'CLOCK, P. M.

A letter, of the 1st, from gen. Washington, was read, enclosing a copy of a letter of August 29th, from major-gen. Sullivan, on the north end of Rhode-Island, giving an account of an action with the enemy on the said 29th.

**Ordered,** That the letter from major-general Sullivan be referred to the committee of intelligence.

**Resolved,** That the committee of arrangement, to whom the letter of June the 11th, from the council of war of Rhode-Island was referred, be discharged from proceeding thereon, and that the letter be referred to a committee of three : the members chosen, Mr. Hosmer, Mr. S. Adams, and Mr. R. H. Lee.

According to order, Congress took into consideration the motion on the requisition made by the earl of Carlisle, sir Henry Clinton, and William Eden, respecting the troops of the convention of Saratoga, which was read as follows :

Whereas Congress, did, on the 8th day of January, 1778, resolve that the embarkation of lieutenant-general Burgoyne and the troops under his command be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain to Congress :

**Resolved,** That no ratification of the convention of Saratoga, which may be tendered in consequence of powers, which only reach that case by construction and implication, or which may subject whatever is transacted relative to it to the future approbation or disapprobation of the (crown or) parliament of Great-Britain, can be accepted by Congress.

An amendment was moved to strike out the words "crown or," and the yeas and nays being required by Mr. Duer,

<i>New-Hampshire,</i> Mr. Bartlett,	ay	ay	<i>Maryland,</i> Mr. Chase,	ay	
<i>Mass'-ette-Bay,</i> Mr. S. Adams,	ay		Plater,	ay	
			Forbes,	ay	ay
			Henry,	no	
<i>Rhode-Island,</i> Mr. Marchant,	ay	ay	<i>Virginia,</i> Mr. Harvie,	no	
<i>Connecticut,</i> Mr. Hosmer,	ay	ay	R. H. Lee,	ay	ay
			Griffin,	ay	
<i>New-York,</i> Mr. Lewis,	ay		<i>N.-Carolina,</i> Mr. Penn,	ay	
			Harnett	no	ay
			Williams,	ay	
<i>New-Jersey,</i> Mr. Witherspoon,	ay	ay	<i>S.-Carolina,</i> Mr. Laurens,	no	no
<i>Pennsylvania,</i> Mr. Roberdeau,	ay	ay	Drayton,	no	
<i>Delaware,</i> Mr. M'Kean,	ay		<i>Georgia,</i> Mr. Walton,	ay	ay
			Telfair,	ay	
			Langworthy,	ay	

So it was resolved in the affirmative.

Another amendment was moved, after the recital of the resolution of the 8th of January, to add "and notwithstanding a requisition hath been made of the said troops, yet no such ratification hath been notified as aforesaid" and in lieu of the resolution moved, to insert "therefore resolved, that the said troops be still detained, agreeably to the said resolution ;" and the yeas and nays being required by Mr. G. Morris,

<i>N.-Hampshire,</i> Mr. Bartlett,	no	no	<i>Connecticut,</i> Mr. A. Adams,	ay	ay
<i>Mass'-ette-Bay,</i> Mr. S. Adams,	ay		<i>New-York,</i> Mr. Lewis,	ay	
			Duer,	no	ay
			G. Morris,	ay	
<i>Rhode-Island,</i> Mr. Marchant,	no	no	<i>New-Jersey,</i> Mr. Witherspoon,	no	no

<i>Pennsylvania,</i>	Mr. Roberdeau,	<i>no</i>	} <i>no</i>	<i>N.-Carolina,</i>	Mr. Penn,	<i>no</i>	} <i>no</i>
<i>Delaware,</i>	Mr. M'Kean,	<i>no</i>			Harnett,	<i>no</i>	
	Vandyke,	<i>no</i>	} <i>no</i>		Williams,	<i>no</i>	
<i>Maryland,</i>	Mr. Chase,	<i>no</i>		<i>S.-Carolina,</i>	Mr. Laurens,	<i>ay</i>	} <i>ay</i>
	Plater,	<i>no</i>	} <i>no</i>		Drayton,	<i>ay</i>	
	Forbes,	<i>ay</i>		<i>Georgia,</i>	Mr. Walton,	<i>no</i>	} <i>no</i>
	Henry,	<i>no</i>	} <i>no</i>		Telfair,	<i>no</i>	
<i>Virginia,</i>	Mr. Harvie,	<i>no</i>			Langworthy,	<i>no</i>	
	R. H. Lee,	<i>ay</i>	} <i>no</i>				
	Griffin,	<i>no</i>					

So it passed in the negative.

A motion was then made in lieu of the whole to substitute as follows :

Whereas on the 8th of January, 1778, Congress by their resolve, for good and sufficient causes therein specified, suspended the embarkation of the troops of the convention of Saratoga, under the command of lieutenant-general Burgoyne, until the ratification of the convention of Saratoga by the court of Great-Britain should be duly notified to Congress : and, whereas, on the 26th of August, the earl of Carlisle, sir Henry Clinton, and William Eden, esq. reciting their authority, did make a remonstrance to Congress, offering to ratify the said convention, and requiring permission for the said troops to embark in pursuance of the said convention : and, whereas, the said ratification would be subject to the future ratification of the British parliament, without which it would be of no validity : therefore resolved, that Congress will abide by their demand of a ratification by the court of Great-Britain, duly notified to Congress ; and therefore that the said requisition be not complied with : Question put passed in the negative.

The main question, as amended, being put, resolved in the affirmative.

Adjourned to nine o'clock to-morrow,

FRIDAY, *September 5, 1778.*

A letter, of the 4th, from John Berkenhout, was read :

*Ordered* to lie on the table.

The committee to whom was referred the letter of August 13th, from governor Caswell to Mr. Penn, brought in a report ; Whereupon,

*Resolved*, That a warrant issue on the treasurer for 400,000 dollars, in favor of the delegates of the state of North-Carolina, on an application of the governor of that state, for the purpose of raising, equipping and marching the men voted by the said state to complete their continental battalions ; the said state to be accountable ;

*Ordered*, That the consideration of the remainder of the report be postponed.

A letter, of the 4th, from H. Hollingsworth, deputy quarter-master-general at the Head of Elk, directed to the board of war, was laid before Congress, and read :

*Ordered*, That the consideration thereof be postponed to Monday next.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the marine-committee, for 20,000 dollars, for the use of the navy board in the middle-district ; the said committee to be accountable.

*Resolved*, That 5,000,000 of dollars be emitted under the direction of the board of treasury, and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th of April last, and be numbered from



the last number of each denomination progressively, and consist of the following denominations, viz.

41,667	bills	of 40	dollars,	1,666,680	41,667	do.	of 6	dollars,	250,002
41,667	do.	of 30	do.	1,250,010	41,666	do.	of 5	do.	208,330
41,666	do.	of 20	do.	833,320	41,667	do.	of 4	do.	166,668
41,666	do.	of 8	do.	333,328					
41,666	do.	of 7	do.	291,662					5,000,000

Adjourned to nine o'clock on Monday.

**MONDAY, September 7, 1778.**

A letter, of the 4th, from general Washington, and one of August 31st, from major-general Sullivan, at Tiverton, giving an account of his retreat to the main the preceding evening, without any loss of men or stores, were read :

*Ordered*, That general Sullivan's letter be referred to the committee of intelligence.

A letter, of this day, from major-general Arnold, was read :

*Ordered*, That it be referred to a committee of five : the members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. R. Morris, Mr. Duer, and Mr. Chase.

An appeal from the judgment of the court of admiralty of the state of Connecticut, on a libel "David Brooks, &c. verses schooner Hope, &c." was lodged with the secretary and referred to the committee on appeals.

**THREE O'CLOCK, P. M.**

A letter, of the 3d, from the committee of arrangement at camp, was read :

*Ordered*, That it be referred to the board of war.

A letter, of the 4th, from major-general Lee, was read, enclosing the evidence of major Clark, touching his trial, which he entreats may be laid before Congress :

*Ordered*, That the evidence enclosed in general Lee's letter, be not read, but returned to major-general Lee.

A letter, of this day, from captain N. Falconer, was read, informing, that it is not in his power to act as a member of the navy board in the middle-district.

*Resolved*, That to-morrow be assigned to elect a commissioner of the navy board in the middle-district in the room of captain Falconer.

A letter, of August 28th, from Dr. J. Forster, deputy director-general of the hospitals in the eastern department, was read :

*Ordered*, That it be referred to the medical committee.

A letter, of August 28th, from governor Green, of Rhode-Island, was read.

An extract from the minutes of the general assembly of Pennsylvania was read, directing the delegates of that state to apply for a sum of money to pay for clothing purchased for the continental troops :

*Ordered*, That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

**TUESDAY, September 8, 1778.**

A letter, of August 30th, from major-general Heath, was read, enclosing a petition from William de Passern, major of the regiment of Hesse Hanau, of the convention troops, requesting permission to go to Europe on parole ; Whereupon,

It was moved, that major William de Passern be permitted to go to Europe on his parole, not to act against the United States or their allies until released or exchanged according to the convention of Saratoga.

On which the yeas and nays being required by Mr. James Smith,



<i>N.-Hampshire,</i>	Mr. Bartlett,	no	no	<i>Delaware,</i>	Mr. Vandyke,	no	no
<i>Massa'sts-Bay,</i>	Mr. Lovell,	no	*	<i>Maryland,</i>	Mr. Forbes,	ay	*
	Holten,	no		<i>Virginia,</i>	Mr. Harvie,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	no	no		R. H. Lee,	ay	ay
<i>Connecticut,</i>	Mr. A. Adams,	no	no		Griffin,	no	
<i>New-York,</i>	Mr. Lewis,	no		<i>N.-Carolina,</i>	Mr. Harnett,	no	*
	Duer,	ay	ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	div.
	G. Morris,	ay			Drayton,	ay	
<i>Pennsylvania,</i>	Mr. R. Morris,	no		<i>Georgia,</i>	Mr. Telfair,	no	no
	Roberdeau,	no	no		Langworthy,	no	
	J. Smith,	no					

So it passed in the negative.

A letter, of August 29th, from major-general Heath, was read, respecting supplies for count d'Estaing's fleet :

*Ordered,* That it be referred to the marine committee.

Mr. Duer laid before Congress an extract of a letter from Maryland :

*Ordered,* That the same, together with the letter of the 4th, from col. Hollingsworth, and the memorial of August 31st, from E. Blaine, deputy commissary-general of purchases, be referred to a committee of four: the members chosen, Mr. R. Morris, Mr. Duer, Mr. R. H. Lee, and Mr. Marchant.

Two letters, of the 5th, from Stephen Steward, to the committee of commerce, were read :

*Ordered,* That they be referred to the committee of commerce, and that the committee report thereon.

A letter, of the 8th, from John Peers, master of the Mermaid, was read :

*Ordered,* That it be referred to the marine committee.

A letter, of the 4th, from gen. Washington, was read, with sundry papers enclosed :

*Ordered,* That so much of the said letters as relates to the laying up of magazines to the eastward of Hudson's river, be referred to the committee on the letter from col. Hollingsworth, and memorial of col. Blaine.

A motion being made to empower the general, if he finds it necessary, to give an additional bounty of 10 dollars to recruits inlisting for three years, or during the war :

It was moved to add, and that such additional bounty be at the expense and charged to such of the states as have been deficient in procuring the quotas, according to such deficiency.

On which amendment the previous question being called for, and the yeas and nays being required by Mr. Chase,

<i>New-Hampshire,</i>	Mr. Bartlett,	no	no	<i>Maryland,</i>	Mr. Chase,	no	no
<i>Massa'setts-Bay,</i>	Mr. Lovell,	ay	*		Forbes,	no	
	Holten,	ay		<i>Virginia,</i>	Mr. Harvie,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	ay		R. H. Lee,	ay	ay
<i>Connecticut,</i>	Mr. A. Adams,	no	no		Griffin,	ay	
<i>New-York,</i>	Mr. Lewis,	ay	ay	<i>North-Carolina,</i>	Mr. Penn,	ay	
	Duer,	ay			Harnett,	ay	ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	div.		Williams,	ay	
	J. Smith,	no		<i>South-Carolina,</i>	Mr. Laurens,	ay	ay
<i>Delaware,</i>	Mr. Vandyke,	no	no		Drayton,	ay	
				<i>Georgia,</i>	Mr. Telfair,	ay	ay

So it was resolved in the affirmative, and the amendment was set aside.

*Resolved,* That gen. Washington be authorized, if he shall judge it for the interest of the United States, to augment the continental bounty to recruits, inlisting for three years or during the war, to a sum not exceeding 10 dollars, and that he use his discretion in keeping the matter secret as long as he shall deem necessary, and in applying the augmentation of bounty, as circumstances may require.

*Ordered,* That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 80,000 dollars, to be by

him transmitted to W. Palfrey, esq. pay-master general, for the purpose of enlisting recruits for the continental service.

**Resolved,** That so much of the general's letter as relates to clothing, be referred to the board of war, and that the board be directed to make use of the most vigorous exertions for transporting to camp the ready made clothing stored in the eastern states, and in procuring and forwarding to the army such a number of blankets as in their opinion will be necessary to make up the deficiency of blankets already imported or purchased on account of the United States :

That the states of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, and New-York, be desired, when applied to by the board of war, to afford every assistance in their power, in causing to be made up the linen and other clothing imported into the eastern states for the continental army.

**Ordered,** That the memorial of the Rev. John Peter Tetard, enclosed in the general's letter, be referred to a committee of three: the members chosen, Mr. Duer, Mr. Harvie, and Mr. Lovell.

A letter, of this day, from S. Deane, esq. was read :

**Ordered,** To lie on the table till to-morrow.

THREE O'CLOCK, P. M.

**Resolved,** That those members of the board of treasury, whose state may be represented in Congress without their personal attendance, be requested to attend at the treasury board every forenoon, until the further order of Congress.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury ; Whereupon,

It was moved, that the report of the board of treasury of the 15th of April last, be substituted in lieu of the report of the committee: question put, passed in the negative.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, *September 9, 1778.*

A letter, of August 26th, from count d'Estaing, was read :

**Ordered,** That it be referred to a committee of four, and that they be directed to prepare an answer: the members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. G. Morris, and Mr. Lovell.

A letter, of this day, from John and Alexander Wilcox, was read :  
Whereupon,

**Ordered,** That the report of the committee appointed, in conjunction with a committee of the council of Pennsylvania, to ascertain the property of goods, wares, and merchandise, in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, be taken into consideration on Tuesday next.

The committee on the treasury brought in a report ; Whereupon,

**Ordered,** That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 7000 dollars, and another warrant on the treasurer for 28,000 dollars, in favor of William Henry, esq. employed in the business of the armory, and to purchase leather, accoutrements, and shoes ; to enable him to carry on his purchases ; which sums are advanced on a certificate of the board of war, and to be charged to the account of the said William Henry :

That a warrant issue on the treasurer in favor of the marine committee, for 20,000 dollars, to be by them transmitted to Messrs. Maxwell and Loyal, agents for building of frigates in Virginia, to enable them to go on with the building of one of the frigates, and pay off debts already contracted on account of the said frigates: the said committee to be accountable :

That a warrant issue on the treasurer in favor of Mr. J. Bartlett, one of the delegates from the state of New-Hampshire, for 1500 dollars, advanced on his application; for which the said state is to be accountable.

The board of treasury, to whom was referred the letter of the 29th of August, from the board of war, enclosing a letter and sundry papers from lieut. col. Mullen, relative to the settlement of his accounts, report,

That, upon revising col. Mullen's account, they find it was settled upon just principles; that he can have no claim of right to receive, in a bill of exchange on France, the sum there reported to be paid by a warrant on the treasurer; and that he apply for the payment of a horse shot under him, agreeably to the resolution of Congress of the 12th day of August last:

*Resolved*, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to William Kinnon, for printing bills of exchange and loan-office certificates, his pay and boarding, from the 9th of March to the 31st of August, 1778, inclusive, the sum of 628 58-90 dollars:

That there is due to Henry Miller, for printing in German 6100 copies of proposals intended to be conveyed to foreign officers and soldiers in the British service in 1776, 20 dollars:

That there is due to Belcher P. Smith, his pay as clerk in the secretary's office, from the 6th of February to the 5th of September, 1778, 595 dollars, and for blank books and other contingencies of the office, 63 30-90 dollars, making in the whole, 658 30-90 dollars:

*Ordered*, That the said accounts be paid.

On motion, *Resolved*, That the retreat made by major-gen. Sullivan, with the troops under his command, from Rhode-Island, was prudent, timely, and well conducted, and that Congress highly approve the same.

*Resolved*, That the thanks of Congress be given to major-gen. Sullivan, and to the officers and troops under his command, for their fortitude and bravery, displayed in the action of August 29th, in which they repulsed the British forces and maintained the field.

*Resolved*, That Congress have a high sense of the patriotic exertions made by the four eastern states, on the late expedition against Rhode-Island.

*Resolved*, That Mr. President be requested to inform the marquis de la Fayette, that Congress have a due sense of the sacrifice he made of his personal feelings in undertaking a journey to Boston, with a view of promoting the interest of these states, at a time when an occasion was daily expected of his acquiring glory in the field, and that his gallantry in going on Rhode-Island when the greatest part of the army had retreated, and his good conduct in bringing off the pickets and out-sentries, deserves their particular approbation.

*Resolved*, That major Morris, aid-de-camp to major-gen. Sullivan, who brought forward to Congress the account of the repulse of the British forces on Rhode-Island, on the 29th of August, and who, on the late expedition as well as on several other occasions, behaved with great spirit and good conduct, be promoted to the rank of a lieutenant-colonel by brevet.

A motion was made to reconsider the resolution, approving the retreat from Rhode-Island: question put, and the yeas and nays being required by Mr. Duer,

<i>N.-Hampshire</i> , Mr. Bartlett,	no	} no	<i>Pennsylvania</i> , Mr. R. Morris,	no	
<i>Massa'tu-Bay</i> , Mr. S. Adams,	no		Roberdeau,	no	} no
Lovell,	no	} no	J. Smith,	no	
Holten,	no		Mr. Vandyke,	no	} no
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	<i>Maryland</i> , Mr. Chase,	no	
<i>Connecticut</i> , Mr. A. Adams,	no	} no	Plater,	no	} no
<i>New-York</i> , Mr. Lewis,	ay		Forbes,	no	
Duer,	ay	} ay	Henry,	no	

Virginia,	Mr. Harvie,	no	} no	S.-Carolina,	Mr. Laurens,	ay	} ay
	R. H. Lee,	no			Drayton,	no	
	Griffin,	no			Matthews,	ay	
N.-Carolina,	Penn,	no	} no	Georgia,	Mr. Telfair,	no	} no
	Harnett,	no					
	Williams,	no					

So it passed in the negative.

It was then moved, that an enquiry be made into the causes of the failure of the late expedition against Rhode-Island, agreeably to the resolution of Congress of November 28th, 1777, and that gen. Washington be directed to cause this inquiry to be made as soon as it can be conveniently done, and transmit the proceedings of the court to Congress :

The previous question was moved, and the yeas and nays being required by Mr. Duer,

New-Hampshire,	Mr. Bartlett,	ay	} ay	Maryland,	Mr. Chase,	ay	} ay
Maine's Bay,	Mr. S. Adams,	ay			Plater,	ay	
	Lovell,	ay			Forbes,	n	
	Holten,	ay	} ay		Henry,	ay	} ay
Rhode-Island,	Mr. Marchant,	ay		Virginia,	Mr. Harvie,	ay	
Connecticut,	Mr. A. Adams,	ay			R. H. Lee,	ay	
New-York,	Mr. Lewis,	no	} no		Griffin,	ay	} ay
	Duer,	no		N.-Carolina,	Mr. Penn,	no	
		no			Harnett,	no	
Pennsylvania,	Mr. R. Morris,	no	} ay		Williams,	ay	} no
	Roberdeau,	ay		S.-Carolina,	Mr. Laurens,	no	
	James Smith,	ay			Drayton,	ay	
Delaware,	Mr. Vandyke,	ay	} ay		Matthews,	no	} no
				Georgia,	Mr. Telfair,	ay	

So it was carried, and the main question set aside.

Adjourned to nine o'clock to-morrow.

#### THURSDAY, September 10, 1778.

A letter, of the 8th, from George Cottnam, captain-lieutenant in the first Pennsylvania regiment of artillery, was read, requesting leave, on account of his impaired constitution, to resign his commission :

*Resolved*, That his resignation be accepted.

A letter, of the 7th, from general Washington, was read :

*Ordered*, That it be referred to the board of war.

A letter, of the 7th, from the committee of arrangement, was read ; Whereupon,

Congress proceeded to the election of a commander of the horse, and the ballots being taken, John Cadwallader, esq. was unanimously elected.

*Resolved*, That a commission be granted to John Cadwallader, esq. appointing him brigadier and commander of the cavalry in the service of the United States.

A letter, of the 27th and 31st of August, from gov. Trumbull, was read :

*Ordered*, That it be referred to the board of war.

On motion, *Ordered*, That the paper signed Adam Ferguson, dated August 26th, and the papers transmitted with it, and also the resolution of Congress of the 4th instant, respecting the convention of Saratoga, be published.

*Resolved*, That a committee of five be appointed to confer with the hon. the minister plenipotentiary of France, respecting the future operations of the French fleet under the command of count d'Estaing, and report to Congress : the members chosen, Mr. R. H. Lee, Mr. Drayton, Mr. S. Adams, Mr. Duer, and Mr. R. Morris.

The committee to whom was referred the letter, of August 26th, from count d'Estaing, brought in the draught of an answer, which was read and agreed to :

*Ordered*, That it be signed and forwarded by the president to count d'Estaing. Congress resumed the consideration of the report of the committee on the arrangement of the board of treasury, and, after some time spent thereon, the further consideration thereof was postponed to the afternoon.

THREE O'CLOCK, P. M.

A letter, of this day, from the chevalier de Fayolle, was read :

*Ordered*, That it be referred to the board of war.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

A letter, of the 2d, from major general Sullivan, was read :

*Ordered*, That it be referred to the board of war.

The committee on the letter from col. Hollingsworth, and the memorial from E. Blaine, brought in a partial report, and desired leave to sit again.

*Ordered*, That the report be taken into consideration to-morrow, and that the committee have leave to continue to sit on the business.

*Ordered*, That Mr. Hosmer have leave of absence.

Adjourned to nine o'clock to-morrow.

FRIDAY, *September 11, 1778.*

A letter of this day, from J. M'Kinley, esq. and an extract from the minutes of the privy-council of the state of Delaware, were read.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of col. Nicola's regiment of invalids, their pay from the month of July last, and subsistence in lieu of rations for the officers for the same time, 940 80-90 dollars :

That there is due to Thomas Fitzsimons, his pay as commissioner of claims, from April 12th to August 27th, 1777, 548 dollars :

That there is due to William Dodd, for his services as express-rider, from October 3d, 1776, to October 31st 1777, as more fully appears by a particular state, filed with his account, a balance of 370 30-90 dollars :

That there is due to the Rev. Mons. Lotbinier, his pay and subsistence as chaplain to col. Livingston's regiment, from the 11th of August to the 10th of September, inclusive, 60 dollars :

*Ordered*, That the said accounts be paid.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 20,000 dollars, and another on William Armistead, esq. commissioner of the continental loan-office in the state of Virginia, for 30,000 dollars, in favour of col. Baylor, being for the purchase of arms, horses and accoutrements for the use of the armies of the United States : for which sums, amounting to 50,000 dollars, the said col. Baylor is to be accountable :

That a warrant issue on the treasurer in favor of col. John Cox, assistant quarter-master general, for 3,500,000 dollars, for the use of the quarter-master general's department, and for which major-general Green, quarter-master general, is to be accountable :

That a warrant issue on the treasurer for 3,000,000 dollars, in favour, of Jeremiah Wadsworth, esq. commissary-general of purchases, for the use of his department, and for which he is to be accountable :

That a warrant issue on the treasurer in favor of Joseph Hewes, for 1000 dollars, in discharge of a bill drawn by John Ashe, esq. treasurer of the state of North-Carolina, in favor of John Easton, dated May 9, 1777, for that sum, being in part of the 500,000 dollars heretofore granted by Congress for the use of that state, and for which the said state is to be accountable :



That a warrant issue on the treasurer in favor of Joseph Hewes for 667 45-90 dollars, in discharge of a bill drawn by Richard Caswell, esq. governor, of the state of North-Carolina, in favor of Joseph Leech, esq. for that sum, dated June 19th, 1777, expressed to be for value received of him in part of the expense of horses, carriages and other necessities, furnished brigadier du Portail, under the character of col. d'Erford and his party, to enable them to prosecute their journey from North-Carolina to the Continental Congress; and for which the said brigadier du Portail is to be accountable:

That a warrant issue on the treasurer in favor of Mr. E. Gerry, one of the delegates of the state of Massachusetts-Bay, for 1200 dollars, advanced upon his application; for which the said state is to be accountable.

*Resolved, unanimously,* That it is essential to the interest and honor of these United States, that a minister plenipotentiary be, without delay, appointed to represent these states at the court of France.

*Resolved, unanimously,* That to-morrow be assigned for electing a minister plenipotentiary at the court of France.

Congress took into consideration the report of the committee on the letter from col. Hollingsworth, and a memorial from col. E. Blaine, and, thereupon, came to the following resolutions:

Whereas Congress, by their resolution of the 13th of January, made a requisition to gen. sir William Howe, then commander in chief of his Britannic majesty's forces in America, for passports to American vessels to transport provisions and fuel for the use of the prisoners of the convention at Boston, declaring, at the same time, that, if the said requisition was not complied with the prisoners under the convention should be removed to such part of the state of Massachusetts-Bay as they could be most conveniently subsisted in; which requisition hath not been complied with, nor measures adopted on the part of the British general, to send timely and sufficient supplies for the use of the said troops; whereby great injury has been sustained by the United States; and particularly by the inhabitants of the town of Boston:

*Resolved,* That major-general Heath, with the concurrence of the council of the state of Massachusetts-Bay, be authorized to remove the prisoners, under the convention of Saratoga, to such parts of the state of Massachusetts-Bay, as they can be most conveniently subsisted in.

*Resolved,* That application be made to sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as shall be agreed on between the generals Washington and sir Henry Clinton; and that gen. Washington be directed to inform gen. Clinton, that if such passports be not granted, within three days after application made, or measures adopted by him for sending to the port of Boston ample supplies of provision and fuel for the convention-prisoners, on or before the 5th day of October, Congress will deem themselves justified in removing the said prisoners to such parts of the United States as they can be best subsisted in.

*Ordered,* That certified copies of this resolution, and of the resolution of the 13th of January last, and of the 4th inst. relative to the troops of the convention of Saratoga, be transmitted to gen. Clinton.

*Resolved,* That the measures recommended by gen. Washington, of forming magazines at convenient places, distant from the sound, in the state of Massachusetts-Bay and Connecticut, is expedient:

That gen. Washington be informed, that Congress have given orders for the purchase of 20,000 barrels of flour, to be transported by water for that purpose; and that he be authorized and directed to fix on the places where the said magazines shall be established, and to give the necessary orders to the quarter-master general and commissary-general for carrying this resolution into execution.



*Resolved*, That it be submitted to the consideration of gen. Washington, whether a considerable part of the cavalry now in the army, can, in the present seat of the war, be employed with an utility adequate to the great expense and difficulty which occur in supplying them with forage ; and if he shall be of opinion that the duty of the whole, or any part of them, may be dispensed with at camp, that he be directed to order such of the cavalry as he shall deem proper, to such parts of these states as they can be best subsisted in.

That all officers of the army, not authorized by the resolutions of Congress, or by the special permission of the commander in chief, to keep horses, be prohibited, though at their own expense, from keeping any horse or horses within 40 miles of the main body of the army, and that gen. Washington be desired to appoint proper officers to see this order carried into strict execution, and to bring to trial all offenders against it.

Whereas Congress have received information that several persons in the state of Maryland have eluded the embargo on provisions, by loading stores on board vessels, and obtaining a clearance on tobacco :

*Resolved*, That it be earnestly recommended to the governor and council of the state of Maryland, to take measures for preventing the embargo' being eluded, by this and such other practices, which, in the opinion of Congress, are highly injurious to the general welfare.

The delegates from Delaware laid before Congress a letter, of the 8th, from Cæsar Rodney, esq. president of the state of Delaware, with sundry papers enclosed, relative to a complaint against count Pulaski :

*Ordered*, That the same be referred to the committee directed to enquire into the state of the legion commanded by count Pulaski :

Congress took into consideration the report of the committee appointed, in conjunction with a committee of the council of Pennsylvania, to ascertain the property of goods, wares, and merchandise, in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy ; and, after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

### THREE O'CLOCK, P. M.

A letter, of the 5th, from baron Steuben, was read :

*Ordered*, That it be referred to the board of war.

Congress took into consideration the report of the committee on the memorial of capt. Harper, and after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

Adjourned to nine o'clock to-morrow.

### SATURDAY, September 12, 1778.

A letter, of this day, from Mr. Resolve Smith, was read :

*Ordered*, That it be referred to the committee appointed to prepare a manifesto on the injurious treatment our prisoners and faithful citizens receive from the enemy, and that the committee be directed to confer with Mr. R. Smith, and report respecting him.

*Resolved*, That Mr. Drayton be added to the committee appointed to confer with major-general Arnold :

That Mr. Chase be added to the committee appointed to confer with the minister of France.

A letter, of the 2d, from major-gen. Heath, at Boston, was read, informing of the enemy's fleet appearing off that harbor.

On motion, *Resolved*, That capt. Nathaniel Falconer be appointed a superintendent of the presses for striking bills of credit, bills of exchange, and loan-office certificates, in addition to those already elected.

The committee on the letter from col. Hollingsworth, and the memorial from col. E. Blaine, brought in a further report ; Whereupon,

*Resolved*, That the quarter-master general be directed to order the commissary of forage to give immediate directions to his deputies and assistants not to purchase any wheat for forage, except in the vicinity of camp, unless in cases of absolute necessity ; and when such cases arise, that the reasons for deviating from this order be transmitted to the commissary of forage, and by him submitted to the opinion of the quarter-master general.

*Resolved*, That the commissary-general of purchases be directed to give orders to his deputies and assistants, forthwith to deliver to the commissary of forage, and his deputies, the bad wheat and offals of wheat, which they at present have, or may hereafter have, in their respective possessions ; and further, that the said commissary-general issue orders to the purchasers to be careful not to purchase, in future, damaged wheat, as the same is found by experience, extremely injurious, even for the purposes of forage.

*Resolved*, That the quarter-master general be directed to consult with the commander in chief, whether a reduction of the stationery teams cannot be made consistently with the good of the service, or whether ox-teams cannot, in the present seat of the war, be substituted in a great measure for horse-teams ; and if gen. Washington shall be of opinion that both or either of these measures are adviseable, that the quarter-master general take measures for carrying the same into execution, in such manner as shall be deemed most consistent with the good of the army, and a regard to public economy.

*Ordered*, That the committee have leave to sit again.

A report from the board of war being read on a letter, of the 2d, from major-gen. Sullivan :

*Resolved*, That the governments of the states of Connecticut, Massachusetts-Bay, and New-Hampshire, be requested, on the application of major-general Sullivan, with the concurrence of the legislature or council of war of Rhode-Island and Providence Plantations, to call out of their respective states such number of militia as he shall require, in case of great emergency, to check the ravages of the enemy, or to repel any invasion they may attempt in any of the eastern states.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. A. Adams, one of the delegates of the state of Connecticut, for 1600 dollars, advanced upon his application, for which the said state is to be accountable :

That a warrant issue on the treasurer in favor of Mr. Jonathan Elmer, one of the delegates for the state of New-Jersey, for 5000 dollars ; for which the said state is to be accountable :

Congress resumed the consideration of the report of the committee on the memorial of capt. Harper, and after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

Adjourned to nine o'clock on Monday.

#### MONDAY, September 14, 1778.

A letter, of the 8th, from James Johnston, was read, returning thanks for the honor done him in appointing him an auditor of accounts in the army ; also one, of the same day, from Messrs. Clark and Johnston, auditors, was read.

A letter, of the 8th, from brigadier Wayne, and one, of the 7th, from the field officers of the 1st Pennsylvania regiment, were read, requesting that the Rev. Mr. Robert Blackwell, chaplain of the first Pennsylvania brigade, may be continued surgeon of the regiment aforesaid :

*Ordered*, To lie on the table.

A letter, of the 13th, from baron d'Arendt, was read :

*Ordered*, That it be referred to the board of war.

A letter, of the 17th, from Mr. S. Deane, was read.

Congress proceeded to the election of a minister plenipotentiary to the court of France, and the ballots being taken, Dr. Benjamin Franklin was elected.

*Resolved*, That a committee of five be appointed to prepare a letter of credence to his most Christian majesty, notifying the appointment of Dr. B. Franklin, minister plenipotentiary of these United States at the court of France :

That the said committee also prepare a draught of instructions to the minister plenipotentiary : the members chosen, Mr. G. Morris, Mr. Chase, Mr. Drayton, Mr. S. Adams, and Mr. R. H. Lee.

*Ordered*, That the letters of credence, received through the hands of the minister of France and the count d'Estaing, be referred to the said committee.

Congress took into consideration the letter from Mr. S. Deane, and after some time spent thereon,

*Ordered*, That the further consideration thereof be postponed.

THREE O'CLOCK, P. M.

A letter, of the 11th, from col. Beatty, commissary of prisoners, was read :

*Ordered*, That so much of the said letter as relates to John Connolly, be referred to the board of war, and that what relates to the exchange of French prisoners, be referred to the marine committee.

A letter, of the 6th, from col. Wadsworth, at Baltimore, was read :

*Ordered*, That it be referred to the committee on the letter from col. Hollingsworth and memorial of col. Blaine.

The marine committee laid before Congress a letter of the 2d, from J. Bradford, which was read, informing of the arrival of the brig gen. Gates and her two prizes, and of the death of capt. Skinner, commander of the General Gates, who was killed in an engagement with the Montague, and has left a widow with eleven children, only two of whom are able to provide for themselves :

*Ordered*, That it be referred to the marine committee, and that they be directed to report what provision, in their opinion, ought to be made for the widow and children of capt. Skinner.

Congress took into consideration the letter of the 11th, from John M'Kinley, esq. late president of the state of Delaware, soliciting to be exchanged for William Franklin, esq. and the minutes of the privy council of the state of Delaware : Whereupon,

A motion was made to resolve,

That Congress consent to the exchange of William Franklin, esq. late governor of New-Jersey, for John M'Kinley, esq. late president of the state of Delaware, agreeably to the proposition of gen. sir Henry Clinton :

In lieu of which the following resolution was moved as an amendment. viz.

Whereas Hugh Wallace, esq. one of the counsel under the crown of Great-Britain, of the late colony, now state of New-York, was, amongst other persons in the said state, disaffected to the liberties of America, made prisoner by gen. Washington, commander in chief of the army of the United States, with the concurrence of the legislature of the state of New-York, and sent under parole into the state of Connecticut ; and whereas, the said Hugh Wallace having been permitted by his excellency Jonathan Trumbull, esq. governor of the state of Connecticut, to go into the city of New-York on parole, to return when demanded by him or gen. Washington, has, on a requisition made by gen. Washington to the said Hugh Wallace to return and surrender himself agreeably to his parole, refused to comply with the same,

and has been countenanced in such refusal by the officer commanding in New-York. Inasmuch, therefore, as it is essentially necessary to the prosecution of this war upon equal principles, that measures should be adopted for compelling persons who are prisoners under parole within the lines of the enemy, and who refuse to return, to abide by those principles of good faith and personal honor, which are to be observed by those who are permitted to return on their parole within the American lines: *Resolved*, that John M'Kinley, esq. late president of the state of Delaware, who has been made prisoner by the British forces, and who has been permitted to return on parole within the American lines, in order to solicit an exchange for William Franklin, esq. late governor of New-Jersey, be not permitted to return within the British lines, in order to surrender himself on his parole, till such time as the said Hugh Wallace, esq. shall surrender himself on his parole to gen. Washington, or be exchanged for the said John M'Kinley, esq. and all officers in the service of the United States are hereby ordered not to suffer the said John M'Kinley to pass within the enemy's lines.

On which amendment, the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Plater,	no	
<i>Mass'ette-Bay</i> , Mr. S. Adams,	no			Forbes,	no	no
	Gerry,	no		Henry,	no	
	Lovell,	no	<i>Virginia</i> ,	Mr. Harvie,	no	
	Holten,	no		R. H. Lee,	no	no
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		Griffin,	no	
<i>Connecticut</i> , Mr. A. Adams,	no	no	<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-York</i> , Mr. Lewis,	ay			Harnett,	no	no
	Duer,	ay		Williams,	ay	
<i>Pennsylvania</i> , Mr. Morris,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
	Roberdeau,	no		Drayton,	no	ay
	Clingan,	no		Matthews,	ay	
<i>Delaware</i> , Mr. M'Kean,	no		<i>Georgia</i> ,	Mr. Walton,	no	
	Vandyke,	no		Telfair,	no	no
				Langworthy,	no	

So it passed in the negative.

The main question being then divided, and, the yeas and nays required by Mr. Duer, on the clause respecting the exchange of W. Franklin,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Plater,	ay	
<i>Mass'ette-Bay</i> , Mr. S. Adams,	ay			Forbes,	ay	ay
	Gerry,	ay		Henry,	ay	
	Lovell,	ay	<i>Virginia</i> ,	Mr. Harvie,	ay	
	Holten,	ay		R. H. Lee,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		Griffin,	ay	
<i>Connecticut</i> , Mr. A. Adams,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-York</i> , Mr. Lewis,	no			Harnett,	ay	ay
	Duer,	no		Williams,	ay	
	G. Morris,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	
<i>Pennsylvania</i> , Mr. R. Morris,	ay			Drayton,	no	no
	Roberdeau,	no		Matthews,	no	
	Clingan,	ay	<i>Georgia</i> ,	Mr. Walton,	no	no
<i>Delaware</i> , Mr. M'Kean,	ay			Langworthy,	no	
	Vandyke,	ay				

So it was resolved in the affirmative.

A motion was then made in the second clause to strike out the words "John M'Kinley, esq. to the end of the sentence, and insert "brigadier W. Thompson;" and the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	no	no	<i>New-York</i> ,	Mr. Duer,	ay	div.
<i>Mass'ette-Bay</i> , Mr. S. Adams,	no			G. Morris,	no	
	Gerry,	no	<i>Pennsylvania</i> ,	Mr. R. Morris,	no	
	Lovell,	no		Roberdeau,	ay	no
	Holten,	no		Clingan,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	<i>Delaware</i> ,	Mr. M'Kean,	no	no
<i>Connecticut</i> , Mr. A. Adams,	no	no		Vandyke,	no	

<i>Maryland,</i>	Mr. Plater,	no	} no	<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	Forbes,	ay			Harnett,	ay	
	Henry,	no			Williams,	ay	
<i>Virginia,</i>	Mr. Harvie,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	} ay
	R. H. Lee,	no			Drayton,	ay	
	Griffin,	ay			Matthews,	ay	
				<i>Georgia,</i>	Mr. Walton,	no	} dir.
					Langworthy,	ay	

So it passed in the negative.

On the question put to agree to the latter clause, resolved in the affirmative.

A letter, of the 12th, from gen. Washington, enclosing a copy of one of the 10th, from gen. Sullivan, was read.

Adjourned to nine o'clock to-morrow.

### TUESDAY, September 15, 1778.

*Ordered,* That the copy of gen. Sullivan's letter of the 10th, be referred to the committee of intelligence.

The report of the committee on gen. Washington's letter, relative to baron Steuben, which was referred to gen. Washington, being returned, with the general's observations thereon, the same were read :

*Ordered,* That the report and observations be referred to the committee of arrangement, and that they be directed to prepare a plan of regulations for the inspectorship, agreeable to the said report and observations.

A petition of Robert Woodbridge was read.

A letter from lieut. col. Klein, was read, returning thanks for the honor done him in appointing him to the command of the German volunteers.

A letter of this day, from baron d'Arendt, was read, taking leave of Congress.

A petition of Catharine Pennington, relict and administratrix of Miles Pennington, captain of marines on board the ship *Reprisal*, was read :

*Ordered,* That it be referred to the marine committee.

A letter, of the 5th, from major-general Heath, was read.

The marine committee brought in a report ; Whereupon,

*Ordered,* That the marine committee lay before Congress this afternoon, a list of the captains and lieutenants of the continental navy, and of the ships and vessels to which such are employed or affixed.

Another letter, of the 12th, from gen. Washington, with a report of a board of general officers enclosed, was read :

*Ordered,* That the same be referred to the committee appointed to confer with the minister of France.

### THREE O'CLOCK, P. M.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and thereupon,

*Resolved,* That such parts of the said report as relate to a confederal fund, and to the mode of issuing and accounting for loan-office certificates, be referred to a committee of three : the members chosen, Mr. Duer, Mr. Gerry, and Mr. A. Adams.

A motion was made, to amend the report, so that there shall be but one chamber of accounts :

The yeas and nays being required by Mr. Duer,

<i>Massachusetts-Bay,</i>	Mr. S. Adams,	ay	} ay	<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay
	Gerry,	no		<i>Pennsylvania,</i>	Mr. Roberdeau,	no	
	Lovell,	ay			Reed,	no	} no
	Holten,	ay		<i>Delaware,</i>	Mr. Vandyke,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay	<i>Maryland,</i>	Mr. Plater,	no	} no
<i>Connecticut,</i>	Mr. A. Adams,	ay			Forbes,	ay	
<i>New-York,</i>	Mr. Lewis,	ay	} div.		Henry,	no	
	Duer,	no					



Virginia,	Mr. Harvie,	no	} no	S.-Carolina,	Mr. Laurens,	ay	} div.
	R. H. Lee,	ay			Matthews,	no	
	Griffin,	no		Georgia,	Mr. Walton,	ay	} ay
N.-Carolina,	Mr. Penn,	no	} no		Telfair,	ay	
	Harnett,	ay					
	Williams,	no					

So it was resolved in the affirmative.

*Resolved*, That the chamber consist of three.

The committee to whom was referred the letter of the president of the state of Delaware, directed to the delegates of the said state, brought in a report: Whereupon,

*Resolved*, That John Hooper and James Murray, two soldiers of general Pulaski's legion, have been charged with committing a robbery on the property of James Chandler, a citizen of the state of Delaware, be sent, under a proper guard, to Wilmington, in the said state, there to be delivered to John Lea, esq. or any other magistrate, to be dealt with according to law; and that brigadier-general Pulaski give orders for carrying the same into effect.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, September 16, 1778.

A letter, of this day, from Joseph Nourse, was read, renewing his application for leave to resign his office of secretary to the board of ordnance and treasurer to the board of war and ordnance, and signifying the necessity he is under of going to Virginia in three weeks: Whereupon,

*Ordered*, That Wednesday, the 23d instant, be assigned for electing a secretary for the board of ordnance, and treasurer to the board of war and ordnance, and that Mr. Nourse have leave to resign.

A letter, of the 14th, from three officers of the Mermaid, was read:

*Ordered*, That it be referred to the marine committee.

A letter, of August 19th, from the council of New-Hampshire, was read, with sandry papers enclosed, relative to the conduct of the inhabitants of the New-Hampshire grants, stiling themselves "the state of Vermont:"

*Ordered*, That the same be referred to a committee of the whole Congress.

*Resolved*, That on Friday next, in the afternoon, Congress be resolved into a committee of the whole, to consider the foregoing papers, and other papers heretofore received relative to the conduct of the said inhabitants.

A letter, of July 31st, and one of September 3d, from the council of Massachusetts-Bay, were read, relative to the resolution of April 8th, 1777, recommending the erecting a monument to the memory of major-gen. Warren:

*Ordered*, That they be referred to a committee of three: the members chosen, Mr. Duer, Mr. Witherspoon, and Mr. R. H. Lee.

*Ordered*, That the committee be instructed to take into consideration the other resolutions of Congress, similar to that mentioned in the foregoing letters, and report on them also.

A letter, of the 3d, from James Warren, esq. member of the navy board, at Boston, directed to the committee of commerce, was read, informing of the arrival of 56 bales of blankets, on board the schooner Tabby:

*Ordered*, That it be referred to the board of war.

The committee to whom was referred the letter of the 12th, from general Washington, with the report of the board of general-officers, brought in a report.

Congress resumed the consideration of the letter of the 11th, from Mr. Deane; Whereupon, a motion was made,

That Mr. Deane be directed to attend Congress on Friday morning next, to answer such questions as the members may propose to him, for the better understanding of the state and progress of public affairs during his mission in France.



An amendment was moved to strike out "members," and insert the word "house ;"

On which the yeas and nays being required by Mr. Chase,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Maryland</i> ,	Mr. Chase,	ay	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no			Plater,	ay	
	Gerry, <i>excused,</i>			Forbes,	ay	ay
	<i>not being present</i>			Henry,	ay	
	<i>at the debate,</i>	no	<i>Virginia</i> ,	Mr. Harvie,	ay	
	Lovell,	no		R. H. Lee,	ay	ay
	Holten,	no		Griffin,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-York</i> , Mr. Lewis,	ay			Harnett,	ay	ay
	Duer,	ay		Williams,	ay	
	G. Morris,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no	div.		Drayton	ay	ay
	Elmer,	ay		Matthews,	ay	
<i>Pennsylvania</i> , Mr. Roberdeau,	ay	div.	<i>Georgia</i> ,	Mr. Walton,	ay	
	Clingan,	no		Telfair,	ay	ay
<i>Delaware</i> , Mr. Vandyke,	ay	ay				

So it was resolved in the affirmative.

Question put on the motion as amended: resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

#### THURSDAY, September 17, 1778.

A letter, of the 15th, from the board of war, was read.

A letter, of the 16th, from Mr. Reed, one of the committee of arrangement, was read:

*Ordered*, That it be referred to the board of war.

A letter, of the 15th, from Charles Bradish, and one of the 16th, from J. Stoddard, officers of the Mermaid, were read:

*Ordered*, That they be referred to the marine committee.

A letter, of the 16th, from James Caldwell, was read.

*Ordered*, That 1,000,000 of dollars be advanced to general Mifflin, late quarter-master-general, for which he is to be accountable; and that he be directed to render an account of all such sums as are now due from the late quarter master-general, in order to their being paid.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury.

On motion, *Resolved*, That the resolution fixing the number of the chamber of accounts be re-considered.

*Resolved*, That the report, with the amendment made, be referred to a committee of five: the members chosen, Mr. R. Morris, Mr. Witherspoon, Mr. G. Morris, Mr. Chase, and Mr. R. H. Lee.

#### THREE O'CLOCK, P. M.

A letter, of this day, from count Pulaski, was read,

*Ordered*, That an extract of the letter of the 12th, from general Washington, relative to sending forward to the army the confederal troops in Philadelphia be referred to the board of war.

A report from the board of war was read; Whereupon,

*Resolved*, That brigadier count Pulaski be ordered to march with his legion to Trenton, without delay, there to receive the further orders of the commander in chief.

Congress resumed the consideration of the report from the committee on the treasury, of the 10th; Whereupon,

*Resolved*, That 48,000 dollars, the residue of a warrant for 300,000 dollars, issued the 12th day of February last, in favor of the delegates of the state of Pennsylvania, be now paid to the said delegates, to be by them transmitted to the president and council of the said state, which is to be accountable.

**Ordered,** That a warrant issue on the treasurer in favor of the delegates of the state of Pennsylvania, for 52,000 dollars, to be by them transmitted to the president and council of that state; for which the said state is to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to John Hartman, for entertaining four Indians at Reading, about six weeks, by order of the hon. John Hancock, esq. the sum of 507 3-90 dollars :

That there is due to Francis Johnston, for translating a French letter into English, by order of the president of Congress, the sum of 20 dollars :

That there is due to Isaac Vanost, for a log of lignum vitæ, for two rollers for a rolling-press, 120 60-90 dollars :

That there is due to Francis Hopkinson, esq. for compiling an index to the first and second volumes of the journals of Congress, 200 dollars.

**Ordered,** That the said sums be paid.

The committee on the treasury brought in a report ; Whereupon,

**Ordered,** That a warrant issue on the treasurer in favor of Thomas Franklin, for 2000 dollars, in discharge of a bill of his excellency Richard Caswell, esq. governor of North-Carolina, on the continental treasurer, for that sum, in favor of Andrew Blanchard, dated May 1st, 1778, and expressed to be on account of tanned leather, deer skins, and shoes, purchased in pursuance of a resolution of Congress of the 25th of November last; for which the state of North-Carolina is to be accountable :

That a warrant issue on the treasurer in favor of Mr. J. Williams, one of the delegates from the state of North-Carolina, for 500 dollars, advanced on his application; the said state to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on the treasurer in favor of Joseph Nourse, pay-master to the said board, for 100,000 dollars, to answer the contingent charges thereof; for which the said Joseph Nourse is to be accountable :

That a warrant issue on the treasurer in favor of Joseph Nourse, pay-master to the board of war and ordnance, for 500,000 dollars, to be by him transmitted to Benjamin Stelle, deputy pay-master at Rhode-Island; and that a copy of this order be sent to Ebenezer Hancock, esq. deputy pay-master general at Boston; who is to be accountable :

Whereas it is represented by the auditors of the army, that many regimental pay-masters have adopted the unwarrantable practice of paying to the commanding officers of companies, agreeably to the recommendations of the colonels or commanding officers of their regiments respectively, such sums of money as the said regimental pay-masters have drawn for, but not paid to, prisoners, deserters, and men who have died in the service :

**Resolved,** That, until the sums of money so paid by the regimental pay-masters, shall be reimbursed and paid into the hands of the pay-master or deputy pay-masters general, such commanding officers of regiments shall be accountable for the moneys which they have so ordered to be paid, the commanding officers of companies for the moneys so received, and the regimental pay-masters for the money so paid by them respectively; and the auditors of the army are authorized and directed forthwith to oblige the said officers to account, agreeably to the mode prescribed by the resolution of Congress of the 6th of February last.

An account of the moneys expended by the clothier-general was laid before Congress :

**Ordered,** That it be referred to the board of treasury.

**Resolved,** That Wednesday next be assigned for taking into consideration the department of the clothier-general.

*Resolved*, That on Saturday and Wednesday Congress meet at ten, and sit till three o'clock.

Adjourned to nine o'clock to-morrow.

FRIDAY, *September 18, 1778.*

A letter and memorial from Dr. J. Morgan, was read :

*Resolved*, That a committee of three be appointed in pursuance of the resolution of August 9th, 1777 : the members chosen, Mr. Drayton, Mr. Harvie, and Mr. Witherspoon.

A motion was made that the committee be empowered to send for persons and papers : question put, passed in the negative.

*Ordered*, That the foregoing letter and memorial be referred to the said committee.

A letter, of July 14th, from John Sandford Dart, deputy clothier-general in South-Carolina, with two invoices enclosed, were read :

*Ordered*, That it be referred to the committee of commerce.

The committee of commerce report, that there is now on board the brig Braxton, 117 hogsheads of tobacco, shipped on freight for account and risque of the United States ; that the said tobacco hath been shipped upwards of a year, and that the vessel was detained by the British frigates the greatest part of that time, and the rest by means, first of springing a leak, and secondly, by a stroke of lightning, which dismasted and disabled the vessel from proceeding : that the continent is liable to make good the damages as insurers, and to pay a heavy demurrage as freighters ; that the owners of said brig being offered a price for this vessel and cargo as she lies, which they think will make them compensation, offer to discharge the continent from the charter, provided the committee sell them the 117 hogsheads of tobacco on board the said brig, at five pounds Virginia money per cent. which the committee think adviseable ; Whereupon,

*Resolved*, That the committee of commerce be authorized to make sale of the 117 hogsheads of tobacco on board the brig Braxton, to the owners of the said brig, on the terms proposed in the above report, and to receive payment for the same, on account of the United States ; for which the said committee is to be accountable.

*Resolved*, That Monday next be assigned for taking into consideration the reports of the committee of commerce.

A report from the board of war was read ; Whereupon,

*Resolved*, That Mons. Bechet de Roche Fontaine be appointed a captain in the corps of engineers, and that his commission be dated the 15th day of May last.

THREE O'CLOCK, P. M.

A letter, of the 15th, from J. Beatty, commissary-general of prisoners, with sundry papers enclosed, was read.

*Ordered*, That the same be referred to a committee of three : the members chosen, Mr. Dufer, Mr. Witherspoon, and Mr. Marchant.

A letter, of July 8th, from gov. Clinton, of the state of New-York, was read.

The committee to whom were referred the letters from the hon. Arthur Lee, esq. of the 6th, 15th, and 31st of January, 1778, and the letter of January, 16th, 1778, from the hon. Benjamin Franklin and Silas Deane, brought in a report, which was read ; Whereupon,

A member in his place informed the house, that he had information that Mr. Carmichael had charged Mr. Deane with misapplication of the public money, &c.

Being called upon to reduce this information to writing, he delivering in a writing, which was read.

**Ordered,** That the report of the committee lie on the table.  
**Adjourned** to ten o'clock to-morrow.

**SATURDAY, September 19, 1778.**

A letter, of the 18th, from John Connolly, was read :

**Ordered,** That it be referred to the committee on the letter of the 15th, from Mr. John Beatty.

A letter, of the 13th, from Mr. la Neuville, was read :

**Ordered,** To lie on the table.

The committee on the treasury brought in a report ; Whereupon,

**Ordered,** That a warrant issue on the treasurer in favor of James Mease, esq. clothier-general, for 50,000 dollars, for the use of his department : for which he is to be accountable.

Congress took into consideration the affairs of the treasury and finance ; wheresupon the committee on finance having made report, the same was read :

**Resolved,** That 60 copies of the said report be printed for the use of the members, and that the printer be under an oath not to divulge any part of the said report, nor to strike off more than 60 copies, and to deliver to the secretary of Congress the said copies, together with the proofs and unfinished sheets.

**Resolved,** That the members of the house be enjoined not to communicate the report or any part of it, without leave of the house.

A letter of this day, from the board of war was read, with a letter of the 17th, from T. Bradford, deputy commissary of prisoners.

**Ordered,** That so much of Mr. Bradford's letter as relates to prisoners taken at sea, be referred to the marine committee :

That so much of the said letter as relates to Mr. Frank's refusal to supply British prisoners with wood or necessary clothing, be referred to the board of war.

A report from the board of war was read, respecting the mode of supplying our prisoners in the hands of the enemy, from time to time, with money :

**Ordered,** That the consideration thereof be postponed.

The president laid before Congress the letters which he had received some time ago, and of which he informed Congress upon the receipt thereof and afterwards, when he desired to know the sense of the house concerning them, as some of them were not directed to him as president, but as delegate from South-Carolina, and all contained matters of private as well as public nature, and of which Congress declined to receive extracts :

**Ordered,** That they be read.

The same were read, and are as follows :

A letter, of November 24th, 1777, from A. Izard :

One of February 16th, 1778, from the hon. R. Izard, esq. enclosing a copy of his letter of January, 28th, to Dr. Franklin, Dr. Franklin's answer of the 29th, and his reply of the 30th of the same month :

A letter, of March 1st, 1778, and one of April 11th, 1778, from the same :

**Ordered,** That they lie on the table.

**Adjourned** to nine o'clock on Monday.

**MONDAY, September 21, 1778.**

A letter, of the 1st, from gov. Clinton, of the state of New-York, with sundry papers enclosed, was read.

Another letter of the 9th, from the same, was read, intimating a desire to be informed of the sentiments of Congress respecting his conduct as commander of the forts on the banks of Hudson's river, which were taken by the enemy, and desiring to be furnished with certified copies of the report of the court of enquiry, &c.

**Ordered,** That gov. Clinton be furnished with copies of the papers desired, and that the president inform him that Congress are well satisfied of the propriety of his conduct as commander of the forts on Hudson's river.

A letter, of the 10th, from major-general Heath, was read :

**Ordered,** That it be referred to a committee of three : the members chosen, Mr. Gerry, Mr. Duer, and Mr. Harvie.

A letter, of the 19th, from col. Kowats, was read :

**Ordered,** That it be referred to the board of war.

A letter, of the 19th, from James Mease, esq. clothier-general, was read, requesting the favor of Congress to choose, as soon as they conveniently can, some suitable person in his stead for that office :

**Ordered,** To lie on the table, till the affairs of the clothier's department are taken into consideration.

A delegate from Maryland read in his place, an extract of a letter from the governor of that state, respecting the measures taken, or to be taken, for clothing the continental troops, and particularly those of that state, also a delegate from Pennsylvania laid before Congress an extract from the minutes of the general assembly of that state, desiring to be informed " whether Congress have on hand a sufficient quantity of clothing for the troops for the ensuing winter : " Whereupon,

**Ordered,** That the board of war lay before Congress an account of the clothing on hand, and the measures by them taken for supplying the continental troops the ensuing winter.

In pursuance of a recommendation by the board of treasury,

**Resolved,** That Mr. Benjamin Armitage be appointed to superintend the making of paper for loan-office certificates and bills of exchange.

The committee to whom was referred the letter of June 23d, from major-general Howe, having brought in a report, the same was taken into consideration ; Whereupon,

**Resolved,** That a warrant issue on the treasurer in favour of Joseph Clay, esq. deputy pay-master general in the state of Georgia, for 1,000,000 of dollars, for the purpose of establishing a military chest in the said state, and that it be forthwith transmitted to him by the board of war ; he to be accountable.

**Ordered,** That so much of gen. Howe's letter, as relates to what share of the prizes taken by continental troops may belong to the commander of the said troops, be referred to the board of war.

Application being made by the delegates of South-Carolina for an advance of 50,000 dollars, for the said state :

**Ordered,** That it be referred to the board of treasury.

A motion being made, that the board of war do appoint a suitable person to proceed immediately to Trenton, or wherever the legion under the command of count Pulaski may be, and cause the said legion to be mustered, selecting such non-commissioned officers and privates as shall, upon due enquiry, be found to have been prisoners or deserters from the enemy ; that such non-commissioned officers and privates be not permitted to proceed to the army, but return to Philadelphia, and there deliver up their horses, arms and accoutrements to the quarter-master general and commissary of military-stores, the men to be disposed of as Congress may hereafter direct :

On motion, that the consideration thereof be postponed,

The yeas and nays being required by Mr. Reed,

<i>N.-Hampshire,</i>	Mr. Bartlett,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
<i>Massa'tts-Bay,</i>	Mr. S. Adama,	no		<i>Pennsylvania,</i>	Mr. Roberdeau,	no	
	Gerry,	no			Reed,	no	
	Holten,	no	} no		Clingan,	no	} no
<i>Rhode-Island,</i>	Mr. Marchant,	no		<i>Maryland,</i>	Mr. Chase,	ay	
<i>Connecticut,</i>	Mr. A. Adama,	no	} no		Plater, excused	} div.	
<i>New-York,</i>	Mr. Lewis,	no			Henry,		no
	Duer,	ay	} div.				

Virginia,	Mr. Harvie,	ay	} ay	S.-Carolina,	Mr. Laurens,	no	} no
	R. H. Lee,	ay			Drayton,	no	
	Griffin,	no		Georgia,	Mr. Telfair,	no	
N.-Carolina,	Mr. Penn,	no	} no		Langworthy,	no	} no
	Harnett,	no					
	Williams,	no					

So it passed in the negative.

An amendment was then moved, and after debate,

*Ordered*, That the motion and amendment be referred to a committee of three, and that they be directed to report to-morrow; the members chosen, Mr. Reed, Mr. Lovell, and Mr. Witherspoon.

*Ordered*, That Mr. Telfair and Mr. Williams be added to the committee on the memorial from the marquis of Brittany.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "Timothy Shalor, versus sloop Speedwell," was lodged with the secretary, and referred to the committee on appeals.

Adjourned to nine o'clock to-morrow.

### TUESDAY, September 22, 1778.

A letter, of the 19th, from gen. Cadwallader, was read, expressing the highest sense of the honor conferred upon him by Congress, in appointing him a brigadier, with the command of the cavalry, but informing them that he cannot consent to enter into the service at this time, as the war appears to him to be near the close: Whereupon,

*Ordered*, That Monday, October 3d, be assigned for electing a commander of the horse.

A letter, of February 26th, from major-general R. Howe, was read:

*Ordered*, That it be referred to the board of treasury.

A letter, of this day, from Mr. S. Deane, was read, accompanied with two accounts of Mons. le Grand.

Whereas information hath been given to Congress, from which it is probable that William Carmichael, esq. is possessed of a knowledge of the conduct of Silas Deane, esq. late commissioner at the court of Versailles, touching the applications of the public money of these United States, and other matters relating to his public character:

*Resolved*, That the said William Carmichael be directed to attend at the bar of the house this afternoon, to be examined in the premises.

Whereas certain dissensions, detrimental to the public service, are said to have existed among the American commissioners in Europe:

*Resolved*, That the said William Carmichael be also examined, touching the said dissensions, and the conduct of the said commissioners, as far as the same may have come to his knowledge.

*Ordered*, That the consideration of the letter of the hon. Silas Deane, esq. be postponed until the examination of William Carmichael, esq. is taken, and that Mr. Deane be informed thereof.

### THREE O'CLOCK, P. M.

On motion, *Resolved*, That Mr. Carmichael be examined upon oath; that Mr. Secretary take down in writing, the questions propounded and the answers given to them.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, September 23, 1778.

The president having communicated some intelligence he received last night, relative to the motions of the enemy, and certain resolutions being thereupon moved,

*Ordered*, That the same be referred to a committee of five; the members chosen, Mr. Drayton, Mr. Reed, Mr. R. H. Lee, Mr. Duer, and Mr. S. Adams.



A letter, of August 5th, from captain Senf, directed to his excellency the president of South-Carolina, relative to the colours of lieutenant-general Burgoyne's army, was read :

*Ordered*, That it be referred to the committee appointed the 22d of November last.

A letter, of August 18th, from major-general R. Howe, was read :

*Ordered*, To lie on the table.

The marine committee, to whom was referred the letter of the 2d, from J. Bradford, report, that, upon enquiry, they find captain Skinner, late commander of the continental brig General Gates, to have been a brave and worthy officer ; that he lost his life in a severe engagement with the enemy, and that he has left a widow and 11 children, nine of whom are too young to be capable of getting their livelihood ; and therefore it is their opinion that, in consideration of the above circumstances, the eastern navy board, be directed to supply 400 dollars annually, in quarterly payments, for the support of captain Skinner's widow and nine youngest children, and that this provision be continued for three years :

*Resolved*, That Congress agree to the said report.

*Ordered*, That a warrant issue on the treasurer in favor of colonel Theodorick Bland, for 28,000 dollars, to enable him to complete the purchase of horses, arms and accoutrements for his regiment, and for recruiting the same ; the said colonel Bland to be accountable :

That a warrant issue on the treasurer in favor of the delegates of South-Carolina, for 50,000 dollars, for the use of that state, which is to be accountable :

*Resolved*, That Mr. Holten be added to the medical committee.

*Resolved*, That Mr. A. Adams be appointed a member of the marine committee, for the state of Connecticut.

*Resolved*, That Mr. Matthews and Mr. Marchant be added to the committee for hearing and determining appeals.

Adjourned to nine o'clock to-morrow.

#### THURSDAY, September 24, 1778.

A letter of the 15th, from William Ralfrey, pay-master general, was read :

*Ordered*, That it be referred to the board of treasury.

A letter, of the 17th, from gov. Johnson, of Maryland, was read.

Whereas, Congress did, on the 14th of May last, grant to Ethan Allen the rank of colonel by brevet in the army of the United States of America, in reward of his fortitude, firmness and zeal in the cause of his country, manifested during the course of his long and cruel captivity, as well as on former occasions ; and whereas, on the 16th day of the same month, all the benefits and privileges of lieutenant-colonel in the service of these states were granted to the said E. Allen, during the time of his late captivity ; and whereas, it is represented to Congress, that colonel E. Allen's circumstances have been greatly reduced by his late long and cruel confinement, and his brevet commission does not entitle him to pay :

*Resolved*, That 75 dollars per month be allowed to colonel E. Allen, from the date of his brevet, during the pleasure of Congress, or until he shall be called into actual service.

The hon. sieur Gerard, minister plenipotentiary of France, having notified to Congress, that, pursuant to the powers with which he is invested, he has appointed Mr. Martin Oster, vice-consul of France in the port of Philadelphia :

*Ordered*, That this be referred to the marine committee, in order that the same may be made public.

A memorial from J. Mitchel, deputy quarter-master general, was read :

On which sundry motions being made,

*Ordered*, That the said memorial and motions be referred to the committee on the memorial from colonel Blaine, and letter from H. Hulingsworth.

**Ordered,** That Mr. Banister have leave of absence.

THREE O'CLOCK, P. M.

The committee to whom were referred the motions founded on the intelligence communicated by the president, brought in a report, which was taken into consideration, and after some time spent thereon,

Adjourned to nine o'clock to-morrow.

FRIDAY, September 25, 1778.

Mr. Stone, a delegate from Maryland, attended, and took his seat in Congress.

The committee of commerce laid before Congress a letter of the 18th, from Stephen Steward, which was read :

**Ordered,** That it be returned to the committee of commerce, and that they be empowered and directed to act thereon as they shall judge proper.

A letter, of the 24th, from Mr. S. Deane, was read, intimating, that he is informed "that letters from Mr. Izard, reflecting on his character and conduct whilst in the service of the public abroad, have been read in Congress," and requesting "to be furnished with copies thereof, and that he may be permitted to wait on Congress, and to be heard in his vindication :"

**Ordered,** That Mr. Deane be furnished with extracts of all such parts of Mr. Izard's letters, read in this house on the 19th, as relate to his public conduct.

A letter, of this day, from John Connolly, was read

**Ordered,** That it be referred to the committee on the letter of the 15th, from colonel Beatty, commissary of prisoners.

A letter, of the 24th, from Jonathan Brewer, captain-lieutenant of artillery, was read :

**Ordered,** That it be referred to the board of treasury.

A petition from Hezekiah Stokes, pay-master of the 8th Virginia regiment, was read :

**Ordered,** That it be referred to a committee of three : the members chosen, Mr. Harvie, Mr. Marchant, and Mr. Gerry.

A letter from Seth Harding, was read.

Congress resumed the consideration of the report under debate yesterday ; Whereupon,

**Resolved,** That the executive powers of Virginia and North-Carolina be requested, without loss of time, to give all possible aid to the states of South-Carolina and Georgia ; Virginia by marching into South-Carolina 1000 men, comprehending all the continental troops in that state ; North-Carolina 3000 men, including the levies and all the continental troops in that state : each body to be properly officered by the government embodying it. The militia and levies to continue in the service and pay of the United States for the space of five months from the time of their marching from each state respectively, if it shall be found necessary : the whole to be commanded by the continental officer entitled to command ; and that their excellencies gov. Henry and gov. Caswell be requested to take the most vigorous measures to carry this resolution into full and immediate effect.

**Resolved,** That, in case gov. Caswell shall find it consistent with the duties of his station, and shall be inclined to march to the aid of South-Carolina and Georgia, at the head of the North-Carolina forces ; he shall, while on this expedition, have the rank and pay of major-general in the army of the United States of America.

**Resolved,** That the militia of South-Carolina and Georgia, called forth on the present emergency, be in the pay of the United States.

THREE O'CLOCK, P. M.

*Resolved*, That major-general R. Howe, be, and he is hereby directed to repair immediately to gen. Washington's head-quarters.

*Resolved*, That major-general Lincoln take command in the southern department; and repair immediately to Charleston, South-Carolina.

A motion being made to order count Pulaski immediately to march with his legion to South-Carolina,

*Ordered*, That the consideration thereof be postponed.

Congress resumed the consideration of the report of the marine committee under debate the 15th: Whereupon,

*Resolved*, That the new frigate building at Norwich, in Connecticut, and now nearly ready to be launched, be named the Confederacy.

Congress proceeded to the election of a captain of the said frigate, the Confederacy, and the ballots being taken, capt. Seth Harding was elected.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of major William Dark, for 600 dollars, in discharge of a bill of William Palfrey, esq. pay-master general, in favor of the said W. Dark, for that sum, dated September 15, 1778, and expressed to be for the use of the forces of the United States of America; for which the said pay-master gen. is to be accountable:

That a warrant issue on the treasurer in favor of Alexander Baugh, for 2000 dollars, it being so much received of him by Lewis and Charles Cope, deputy commissaries, as per their receipt appears for James Rae, esq. deputy commissary-general of purchases in Georgia, who is to be accountable.

The board of war, to whom was referred the letter of baron Steuben, relative to Mons. John Ternant, having reported thereon, Congress took the report into consideration: Whereupon,

*Resolved*, That Mr. John Ternant be appointed a lieutenant-colonel in the service of the United States, and be ordered to repair to South-Carolina forthwith, to perform the duties of inspector, to the troops in the service of these states in South-Carolina and Georgia: that he report his proceedings as inspector, from time to time, to the board of war and inspector-general, conforming himself to such regulations as are or shall be established by Congress for the inspector-general's department; and, until he shall be duly notified of the plan of the department being arranged and confirmed by Congress, that he govern himself as near as may be by the rules and practice pursued by baron Steuben, during his having executed the office of inspector-general with the grand army, procuring the approbation and authority of the officer commanding the troops of the United States in the said states of South-Carolina and Georgia, in all matters relative to the discipline of the troops, and the police of the camps, garrisons or quarters, previous to their being put in practice by him as inspector.

*Resolved*, That Mr. Ternant be allowed the pay and subsistence of a lieutenant-colonel from the 26th of March last.

*Resolved*, That the marine committee be authorized to employ a secretary for their board, on the most reasonable terms they can.

The board of war brought in a report, which was taken into consideration: Whereupon, Congress came to the following resolution:

Whereas Congress, by a resolve passed on the 26th of August, 1776, made provision for commissioned and non-commissioned officers of the army and navy, as also for the private soldiers, marines, and seamen, who should thereafter lose a limb in any engagement, or be otherwise so disabled in the service of the United States of America, as to render them incapable afterwards of getting a livelihood; and, whereas, divers officers, and others, have lost limbs, or been otherwise disabled as aforesaid, before the said 26th of August, to whom the like relief ought equitably to be extended:

**Resolved,** That all provisions and regulations contained in the said resolve of August 26th, 1776, shall extend to all persons who lost a limb or were otherwise disabled as aforesaid in the service of the United Colonies or States of America, before the said 26th of August, and since the commencement of hostilities on the 19th of April, 1775.

And whereas doubts may arise in some cases, whether certain persons maimed or disabled and claiming pensions, were at the time in the service of the said colonies or states : for removing the same,

**Resolved,** That every commissioned and non-commissioned officer and private man who, since the commencement of hostilities, as aforesaid, has been, or hereafter shall be, drawn forth for the common defence, (and not for the service of any particular state,) or who has turned out, or shall hereafter turn out, voluntarily to oppose the enemies of the said United Colonies or States, upon any sudden attack or invasion, or upon any enterprize carried on under their authority, and in such service has lost or shall lose a limb, or has been or shall be otherwise disabled as aforesaid, shall be entitled to the pension allowed in the said resolve of August 26th, 1776; provided, that any such commissioned or non-commissioned officer or private man, being found capable of doing guard or garrison duty, shall be subject thereto, and serve in the corps of invalids when required, or on refusing so to do, shall be struck off the list of pensioners; unless the person so refusing have a family, or be otherwise peculiarly circumstanced, and the governor or president and council of the state he belongs to, or in which he resides, are of opinion an exception should be made in his favor, and an exemption granted him from such service, a certificate of which opinion he shall produce, previous to his receiving his pension.

And whereas it may happen, that many persons, maimed or disabled as aforesaid, by reason of their falling into the hands of the enemy, the deaths of their officers and surgeons, or other accidents, may not have it in their power to procure the certificates required by the aforementioned resolve, to entitle them to their pensions,

**Resolved,** That in such cases applications be made to the governor or president and council of the state to which any person maimed or disabled as aforesaid belongs, or in which he resides, and upon shewing to him or them satisfactory proof, that he was maimed or disabled in the manner before mentioned, and producing his or their certificate thereof, he shall be entitled to and receive a pension in like manner as if he produced the certificate required by the said resolve.

Congress took into consideration the report of the committee of commerce, respecting Messrs. Hewes, Smith, and Allen, and after debate,

**Ordered,** That the further consideration thereof be postponed, and that the committee of commerce be directed to call on Mr. Hewes to produce an account of the continental property that came into his hands as commercial agent, and how the same has been disposed of.

Adjourned to ten o'clock to-morrow.

#### SATURDAY, *September 26*, 1778.

**Ordered,** That Mr. Carmichael be directed to attend at the bar of this house on Monday afternoon at three o'clock, to be examined, touching the matter set forth in the resolution of the 22d.

**Ordered,** That Tuesday afternoon be assigned for hearing the hon. Silas Deane, esq, and that he be notified to attend on that day at three o'clock.

A letter, of the 26th, from col. G. Morgan, was read.

**Ordered,** That the consideration thereof be postponed to Monday next.

A letter, of the 25th, from John and Alexander Wilcox, was read: Whereupon,

*Resolved*, That a committee of four be appointed to confer with the supreme executive council of the state of Pennsylvania, on the best means of repelling the enemy: the members chosen, Mr. R. Morris, Mr. Duer, Mr. R. H. Lee, and Mr. Reed.

A letter, of September 18th, from Mr. President Weare, of the state of New-Hampshire, was read; Whereupon, Congress took into consideration a report of the board of treasury of July 25th last, and thereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the delegates of the state of New-Hampshire, for 150,000 dollars, for the use of the said state, being advanced on the application of the same:

That another warrant issue on Nicholas Gilman, esq. commissioner of the continental loan-office in the state of New-Hampshire, for 50,000 dollars, for the use of the said state, advanced upon the same application; for which sums, amounting to 200,000 dollars, the said state is to be accountable.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, esq. auditor-general, in favor of Mr. J. Banister, one of the delegates from the state of Virginia, for 1500 dollars, advanced upon his application; for which the said state is to be accountable.

That a warrant issue on the treasurer in favor of Mr. C. Harnett, one of the delegates of the state of North-Carolina, for 1000 dollars, advanced upon his application; for which the said state is to be accountable:

That a warrant issue on the treasurer in favor of James Mease, esq. clothier general, for 50,000 dollars, to be by him advanced to William Gardner, agent in New-Hampshire, for completing his purchases of clothing and making up the same; the said clothier-general to be accountable.

Whereas, it is represented by several commissioners of the continental loan-offices, that they have received for loan-office certificates and lottery tickets of the United States, considerable sums in bills of credit emitted by states, who, by acts of their respective legislatures, have stopped the circulation of such bills:

*Resolved*, That it be recommended to the said states to direct their treasurers to receive such bills of credit from the said commissioners respectively, and deliver in exchange continental currency to the amount thereof; the said commissioners declaring, on oath, if required, that such bills were received by them in virtue of their office.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Thomas Paine, secretary to the committee for foreign affairs, his pay from the 17th of February, to the 17th of September, 1778, being seven months, at 70 dollars per month, 490 dollars:

*Ordered*, That the said account be paid.

The board of war having, according to order, made return of the clothing on hand, as far as has come to their knowledge:

*Ordered*, That the same, together with the report of the committee on gen. Washington's letter of August 4th, be referred to a committee of three: the members chosen, Mr. Sherman, Mr. G. Morris and Mr. Gerry.

*Ordered*, That the secretary purchase an atlas for the use of Congress.

*Ordered*, That Mr. Carmichael attend this afternoon, at 4 o'clock, to be further examined.

### THREE O'CLOCK, P. M.

*Resolved*, That the legion, under command of count Pulaski, be ordered to proceed immediately to assist in the defence of Little Egg-Harbour against the attack now making by the enemy on that port:

That the board of war be directed to take immediate measures for communicating this order to the count.



That the comptroller shall keep the treasury books, and seal and file all the accounts and vouchers on which the accounts in the said books are founded, and shall direct the manner of stating and keeping the public accounts. He shall draw bills under the said seal, on the treasurer, for such sums as shall be due by the United States, on accounts audited, which, previous to the payment, shall be countersigned by the auditor, and also for such sums as may, from time to time, be ordered by resolutions of Congress, in the form marked E. When moneys are due to the United States, on accounts audited, he shall notify the debtor, and, after hearing him, if he shall desire to be heard, fix a day, for payment, according to the circumstance of the case, not exceeding 90 days, of which he shall give notice to the auditor, in writing, in the form marked F.

That it shall be the duty of the treasurer to receive and keep the moneys of the United States, and to issue them on bills drawn by the comptroller as aforesaid, filing duplicates thereof with the auditor, day by day, as he shall make payment: that, on receipt of moneys, he shall give a receipt therefor, and transmit the same to the comptroller; and that he shall draw out and settle his accounts quarterly, giving the same in to the auditor for examination, by one of the chambers of accounts, to be from thence transmitted, through the auditor, to the comptroller, who shall compare the same with the treasury books, ascertain the balance, and return a copy of the same to Congress:

That the comptroller shall receive from the treasurer all receipts by him signed, and after making due entry thereof, by charging the treasurer and crediting the proper accounts, he shall endorse the same in the manner marked G, and deliver them to the party who made payment: that he shall, every quarter of a year, cause a list of the balances on the treasury books to be made out by his clerks, and lay it before Congress. That, where any person hath received public moneys, which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled account with them, he shall issue a summons in the form marked H, in which a reasonable time shall be given for the appearance of the party, according to the distance of his place of residence from the treasury, of which he shall notify the auditor:

That, in case the party summoned to account shall not appear, nor make good essoin, the auditor, on proof made of service in due time or other sufficient notice, shall make out a requisition in the form marked I, which he shall send to the comptroller's office where the same shall be sealed, and then it shall be sent to the executive authority of the state in which the party shall reside:

That it be recommended to the several states to enact laws for the taking of such persons, and also to seize the property of persons who, being indebted to the United States, shall neglect or refuse to pay the same; notice whereof shall be given by the auditor to the executive authority of the respective states, in the form marked K, under the treasury seal:

That the several officers of the treasury do, before they take upon them the execution of their offices respectively, before the president of Congress for the time being, make and subscribe the following oath, viz:

"I, A. B. , in the treasury of the United States, solemnly and sincerely swear, promise and declare, in the presence of Almighty God, that I will, diligently and faithfully, according to the best of my skill and understanding, in all things do my duty as a , as aforesaid, without fear, favor, affection, or partiality."

*Forms referred to.*

A. Account between the United States and

with the vouchers



referred to \_\_\_\_\_, commissioners of accounts, the \_\_\_\_\_ day of \_\_\_\_\_  
in the year \_\_\_\_\_.

A. B. Auditor.

*B.* The within account hath been stated, the castings examined, and the vouchers arranged, by \_\_\_\_\_

C. D. }  
E. F. } Clerks of accounts.

*C.* The within account, stated by \_\_\_\_\_ and \_\_\_\_\_, clerks of accounts, between the United States and \_\_\_\_\_ hath been examined and settled, and a balance of \_\_\_\_\_ found to be due to \_\_\_\_\_ by \_\_\_\_\_

G. H. }  
I. K. } Commissioners of accounts.  
L. M. }

*D.* Audited the accounts between the United States and \_\_\_\_\_ stated by \_\_\_\_\_ and \_\_\_\_\_, clerks of accounts, and examined by \_\_\_\_\_ and \_\_\_\_\_, commissioners of accounts, for a balance of \_\_\_\_\_ due to \_\_\_\_\_  
Done the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

A. B. Auditor.

*E.* To the treasurer of the United States, greeting:

(L. S.) You are required to pay the sum of \_\_\_\_\_ to \_\_\_\_\_ or his order, according to (say either account audited, &c. &c. or a resolution of Congress, &c.) whereof entry is made the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

N. O. Comptroller.

*F.* Day is given to \_\_\_\_\_ until the \_\_\_\_\_ day of \_\_\_\_\_ next, for the sum of \_\_\_\_\_ by his assent. Given the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

N. O. Comptroller.

*G.* Entered in the treasury books the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

N. O. Comptroller.

*H.* To \_\_\_\_\_ greeting: You are required, on or before the \_\_\_\_\_ day of \_\_\_\_\_ next, to appear before the auditor, in the treasury office of the United States, at \_\_\_\_\_ then and there to adjust and settle your accounts, whereof take notice. Given the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

N. O. Comptroller.

*I.* To \_\_\_\_\_ greeting: The United States having summoned \_\_\_\_\_ to account, the which he hath neglected to do, it is their request that you do cause to be taken and sent to the said \_\_\_\_\_ before them, on the \_\_\_\_\_ day of \_\_\_\_\_ next, before the auditor in their treasury, at \_\_\_\_\_ then and there to account; that justice may in this behalf be done. Given the \_\_\_\_\_ day of \_\_\_\_\_.

Witness,

A. B. Auditor.

*K.* The United States to \_\_\_\_\_ greeting:

(L. S.) Whereas \_\_\_\_\_ hath been, before us in our treasury, found to be indebted in the sum of \_\_\_\_\_, which sum was by his assent to be paid before the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, but is not yet paid, or in any manner satisfied. These therefore are thereof to notify you, to the end that you, according to the powers and authorities unto you given, may of the estate of the said \_\_\_\_\_ cause to be made the sum aforesaid, with the costs and charges which may accrue: and of your proceedings in the premises you are desired to certify us in our said treasury, with all convenient speed. Given the \_\_\_\_\_ day of \_\_\_\_\_, &c.

Witness,

A. B. Auditor.

That in the blanks of the forms above written, no figures be used either for dates or sums; but that the same be distinctly and plainly set in words at length, and without erasures or interlineations.

*Resolved,* That a committee of three be appointed to prepare a seal for the treasury and for the navy: the members chosen, Mr. Witherspoon, Mr. G. Morris, and Mr. R. H. Lee.

The committee to whom were referred the letters from the board of war relative to the cannon imported into North-Carolina, having brought in a report:

*Ordered*, That the consideration thereof be postponed to Monday next.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That 10,000,100 dollars be emitted in bills of credit on the faith of the United States, under the direction of the board of treasury:

That new cuts be used in striking the said bills, one of the denomination of 60, the other of 50 dollars, in the place of four and six dollar cuts of the former emissions:

That the denominations of the bills be as follows:

45,455 of the denomination of				45,455 of the denomination of			
		60 dollars	2,727,300			8 dollars	363,640
45,455	do.	50	2,272,750	45,455	do.	7	318,185
45,455	do.	40	1,818,200	45,455	do.	5	227,275
45,455	do.	30	1,363,650				
45,455	do.	20	909,100				<u>10,000,100</u>

That the form of the bills be as follows:

"No.      dollars.

This bill entitles the bearer to receive      Spanish milled dollars, or value thereof in gold or silver, according to a resolution passed by Congress at Philadelphia, September 26, 1778:"

That each denomination or class of bills be numbered from number one progressively:

That the thirteen United States be pledged for the redemption of the bills of credit now ordered to be emitted.

*Resolved*, That Charles Alexander, Richard Eyres and Samuel Lyon, be appointed signers of the bills of credit, in addition to those already appointed.

Adjourned to nine o'clock on Monday.

MONDAY, September 28, 1778.

Mr. Meriwether Smith, a delegate from Virginia, attended, and took his seat in Congress.

A letter, of the 21st, from captain William Burke, on board the prison ship Prince of Wales, was read:

*Ordered*, That it be referred to the marine committee, and that they be directed to enquire into the conduct of capt. William Burke, and particularly into his former conduct while in the power of the enemy.

A letter, of the 18th, from major-general Sullivan, was read:

*Ordered*, That so much thereof as relates to clothing, be referred to the board of war, and so much thereof as relates to money, to the board of treasury.

A letter, of the 24th, from governor Livingston, was read:

*Ordered*, That it be referred to the board of war.

A letter, of the 26th, from James Searle, one of the navy board in the middle district, was read, desiring leave to resign his office:

*Resolved*, That his resignation be accepted.

A letter, of the 23d, from general Washington, was read, with sundry papers enclosed:

*Ordered*, That the same be referred to the committee on the memorial from colonel Blaine, and letter from colonel H. Hollingsworth.

The president laid before Congress a letter dated New-York, September 19th, 1778, signed "H. Clinton," and directed to "his excellency Henry Laurens, esq. the president and others, the members of the American Congress, at Philadelphia," enclosing a paper purporting to be "an extract of a

letter from the right hon. lord George Germaine, one of his majesty's principal secretaries of state, to his excellency gen. sir Henry Clinton, K. B." &c. &c. dated at Whitehall, June 12th, 1778, which were read; Whereupon,

*Ordered*, That the secretary return the following answer:

"SIR, I am directed to inform you, that the Congress of the United States of America make no answer to insolent letters.

I am, &c."

THREE O'CLOCK, P. M.

*Resolved*, That three commissioners be appointed to collect and report the proofs of breach made by the enemy in the convention of Saratoga:

That to-morrow be assigned for electing the said commissioners.

Mr. Carmichael attending, was called in and sworn, and sundry questions being asked and answers returned, he had leave to withdraw.

*Ordered*, That Mr. Carmichael attend at the bar of this house on Wednesday next, at ten o'clock, to be farther examined.

Adjourned to nine o'clock to-morrow.

TUESDAY, September 29, 1778.

A letter from John Stoddard, lieutenant of the Mermaid, was read:

*Ordered*, That it be referred to the marine committee.

A letter, of August 26th, from major-general R. Howe, and one of August 31st, from his excellency president Lowndes, of South-Carolina, were read:

*Ordered*, That they be referred to a committee of three: the members chosen, Mr. Duer, Mr. Matthews, and Mr. Telfair.

Another letter, of the 5th instant, from major-general R. Howe, was read:

*Ordered*, That it be referred to the foregoing committee.

The committee of foreign affairs laid before Congress a letter of August 26th, from Mr. William Bingham, at Martinique, which was read:

*Ordered*, That it be returned to the committee, and that they be directed to report thereon.

A memorial from Alexander M'Nut, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. Lovell, Mr. Marchant, and Mr. Bartlett.

A letter, of this day, from lieutenant-colonel Ternant, was read:

*Ordered*, That it be referred to the board of war.

The committee to whom was referred the motion relative to count Pulas-ki, brought in a report, which was read:

*Ordered*, That the consideration thereof be postponed.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That Michael Hillegas, esq. treasurer, be directed to deliver the check books of the loan-office certificates, which he has issued to lenders, to Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, who is directed to pay the interest arising on such certificates.

*Resolved*, That two per cent. be allowed to the commissioners of the loan-offices of the United States, on the amount of interest which has been or shall be paid by them respectively, in lieu of all claims and demands which they may have for transacting the said business.

*Resolved*, That Thursday next be assigned for electing a manager of the United States' lottery, in the room of Mr. Searle, who has resigned.

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of the managers of the United States' lottery, for 13 lottery-office certificates of 1000 dollars each, and 146 lottery-office certificates of 500 dollars each, amount-

ing in the whole, to 86,000 dollars, to enable the said managers to pay off the high prizes drawn in the first class of the said lottery; they to be accountable.

Congress proceeded to the election of a commissioner of accounts at the treasury office, and the ballots being taken, Mr. Resolve Smith was elected.

Congress took into consideration the report of the board of war, of the 8th of April last, relative to the contract made with Messrs. Daniel and Samuel Hughes: Whereupon,

*Resolved*, That Messrs. Daniel and Samuel Hughes be allowed 186 2-3 dollars per ton for all cannon already cast by them in virtue of their contract, whether delivered or not, and which have stood or shall stand proof, in full of all claims and accounts; the guns not delivered to be taken when proved at the furnace, from whence they are transported at continental expense.

Congress resumed the consideration of the report of the committee on the letters of the 21st and 29th of last month, from the board of war, and a letter of Mr. Holker, relative to cannon imported into the state of North-Carolina: Whereupon,

*Resolved*, That the cannon mentioned in the said letters be sold to the states of Virginia and North-Carolina, the former to have 24 and the latter 25, dividing them equally as to weight of mettle:

That the said states be allowed to purchase the said cannon on the terms the United States have imported them.

*Ordered*, That the hearing of Mr. Deane be postponed till the examination of Mr. Carmichael is finished, and that Mr. Deane be informed thereof.

THREE O'CLOCK, P. M.

A letter, of this day, from col. Wadsworth, and one from Mr. Owen Biddle, with sundry papers enclosed, were read:

*Ordered*, That they be referred to the committee on the memorial of col. Blaine, and the letter from col. H. Hollingsworth.

Congress took into consideration the report of the committee on finance, and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed till Thursday next.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, *September 30*, 1778.

A letter, of the 28th, from gov. Livingston, was read:

*Ordered*, That it be referred to the board of war.

*Ordered*, That count Pulaski, with his legion and all continental soldiers fit for service in and near Philadelphia, be directed to repair immediately to Princeton, there to wait the orders of gen. Washington, or the commanding officer in New-Jersey.

A letter, of the 23d, from major-general Sullivan, was read, together with a letter enclosed from lieut. Samuel Arnold, containing a resignation of his commission; also one from Elias Blanchard, containing a resignation of his commission:

*Resolved*, That the resignation of the said lieut. Samuel Arnold and of ensign Elias Blanchard be accepted.

*Resolved*, That major-general Sullivan be authorized to accept the resignation of such officers in the army under his command as he shall think proper.

A letter, of the 24th, from major-general Sullivan, was read, enclosing a recommendation of capt. Ebenezer Sullivan, by major-gen. Green, and others:

*Ordered*, That the same be referred to the board of war, and that they be directed to enquire whether capt. E. Sullivan has been duly released from all obligations as an hostage for the troops captivated at the Cedars.

A letter, of the 21st, from major-general Heath, was read, enclosing sundry letters that passed between him and major-general Philips, respecting the settlement of the accounts for the supplies of the troops of the convention of Saratoga :

*Ordered*, That the same be referred to a committee of three : the members chosen, Mr. Gerry, Mr. Duer, and Mr. Smith.

Mr. Carmichael, attending according to order, was called in, and the house proceeded in his examination.

*Ordered*, That Mr. Carmichael attend on Friday afternoon, to be further examined.

Adjourned to nine o'clock to-morrow.

#### THURSDAY, October 1, 1778.

Mr. Sherman, a delegate from Connecticut, attended and took his seat in Congress.

A letter, of September 30th, from the board of war, was read, with sundry papers enclosed :

*Ordered*, That the same be referred to a committee of five : the members chosen, Mr. Sherman, Mr. Henry, Mr. Marchant, Mr. Matthews, and Mr. Reed.

A letter, of September 12th, from captain Henry Johnston, at Boston, was read :

*Ordered*, That it be referred to the marine committee.

A petition of captain Francis Tartanson, was read :

*Ordered*, That it be referred to the board of war.

A memorial from James O'Ellers, one of the owners of the Duck-Creek packet, was read ; Whereupon,

Congress took into consideration the report of the committee on the petition from the said James O'Ellers and Henry Horn, and thereupon,

*Resolved*, That the loss of the schooner Duck-Creek packet ought not to be sustained by the United States, and that gen. Mifflin be served with a copy of this resolution.

The committee of commerce having, according to order, obtained from Messrs. Hewes & Smith, a return of the continental stores that have been received and delivered by them as agents for the United States in North-Carolina, laid the same before Congress ; Whereupon,

Congress resumed the consideration of the report of the committee of commerce, respecting Messrs. Hewes, Smith, & Allen ; and thereupon,

*Ordered*, That a warrant be drawn on the treasurer in favor of Messrs. Hewes, Smith & Allen, continental agents in the state of North-Carolina, for the sum of 27,449 73-90 dollars, being in full of the balance due to them as reported on a settlement of their accounts by the committee of commerce :

*Ordered*, That so much of the said report as respects the brigantine Commerce, be re-committed, and that the committee report specially thereon.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of captain William Henderson, for 6230 dollars, in discharge of a bill in his favor, drawn by William Palfrey, esq. pay-master general, dated September 15, 1778 ; for which sum the said pay-master general is to be accountable.

#### THREE O'CLOCK, P. M.

A letter, of this day, from the board of war, and a letter of September 29th, from count Pulaski, were read.

Adjourned to nine o'clock to-morrow.

#### FRIDAY, October 2, 1778.

*Resolved*, That 1000 dollars be advanced to lieutenant-colonel Ternant,

for which he is to be accountable; and that he be entitled to the benefits of the resolution of Congress of September 4th, in regard to his travelling expenses to South-Carolina.

**Resolved**, That Friday next be assigned for receiving and considering the report of the committee of arrangement.

**Ordered**, That Monday next be assigned for taking into consideration the state of the clothing, and that the board of war on that day, lay before Congress an account of the clothing provided, and the measures by them taken for forwarding the same to the army.

A letter, of the 1st, from the board of war, was read:

**Ordered**, That it be referred to a committee of three: the members chosen, Mr. Duer, Mr. Matthews, and Mr. Stone.

**Resolved**, That Mr. Henry be appointed a member of the marine committee for the state of Maryland.

The committee on the memorial from col. Blaine, and letter from colonel Hollingsworth, brought in a report, which was read.

### THREE O'CLOCK, P. M.

A letter, of this day, from Mr. Chief justice M'Kean, was read; Whereupon, Congress came to the following resolutions:

Whereas complaint has been made to Congress that brigadier count Pulaske has resisted the civil authority of this state:

**Resolved**, That the board of war do require his personal attendance at the war office, at nine o'clock to-morrow morning, and that he continue in Philadelphia until enquiry can be made therein, and until the further order of Congress; it being the fixed determination of Congress to discourage and suppress every opposition to civil authority by any officer in their service.

Congress resumed the consideration of the report of the committee on the memorial of col. Blaine, and letter from col. Hollingsworth; and thereupon came to the following resolutions:

Whereas the scantiness of crops of wheat and other grain in the states of New-York, New-Jersey, Pennsylvania, Delaware, Maryland, and Virginia, and the wicked arts of speculators, forestallers, and engrossers, who infest every quarter of the country, and are industriously purchasing up grain and flour at the most exorbitant prices, render it impracticable to obtain timely and sufficient supplies for the operations of the army and navy, unless the most vigorous measures are, without delay, adopted, to restrain practices so destructive to the public weal:

**Resolved**, That it be earnestly recommended to the legislative, or, where vested with sufficient power, to the executive authorities of the states above mentioned, to authorize and direct any civil magistrate within their respective jurisdictions, on an information given by the commissary or quarter-master general, or by the deputy commissary or quarter-master general of the respective districts, of any extraordinary quantity of grain or flour being purchased and in the possession of individuals, forthwith to issue his warrant empowering the informant to seize the same for the public use, paying for the same such prices as to the respective legislatures appear proper, to prevent the practice of engrossing those articles in future, not exceeding six dollars per hundred for flour, and in proportion for grain, which may be found in the hands of engrossers.

And, whereas, the facilitating the supply of the army, which was one of the principal objects in laying the embargo, has been defeated by individuals purchasing up grain and flour with a view of exporting the same at the expiration of the term for which the embargo is laid in the respective states:

**Resolved**, That the embargo on provisions, which, by the resolution of the 5th day of June last, was laid until the 15th day of November next, be con-



tinued in force, subject to such exceptions as are recommended by the resolution of September 2d, till the last day of January, 1779, or until such time as Congress shall give notice to the respective states that sufficient supplies have been obtained for the operations of the army and for the French squadron; and that it be recommended to the respective states to take the most effectual measures for carrying this resolution into effect.

On considering this part of the report, the committee having offered, as their opinion, that it be recommended to the legislative or executive authorities of the respective states to *continue* in force the present embargo, &c.

An amendment was moved, that Congress should *continue* the embargo, and recommend it to the states to take measures for enforcing it:

Upon which the question being put, and the yeas and nays required by Mr. Reed,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	ay	<i>Virginia</i> ,	Mr. Harvie,	no	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	ay			R. H. Lee,	ay	} no
	Lovell,	ay		M. Smith,	no	
	Holten,	no		Griffin,	no	
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	} ay
<i>Connecticut</i> , Mr. Sherman,	ay	ay		Harnett,	ay	
<i>New-York</i> , Mr. Lewis,	ay	ay		Williams,	ay	
	Duer,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} no
<i>Pennsylvania</i> , Mr. Reed,	no			Drayton,	no	
	James Smith,	ay		Matthews,	no	
	Clingan,	no	<i>Georgia</i> ,	Mr. Walton,	no	} no
<i>Maryland</i> , Mr. Stone,	no			Telfair,	no	
	Forbes,	ay				
	Henry,	no				

So it was resolved in the affirmative, and the report being amended, passed as above.

*Resolved*, That it be farther recommended to the legislatures of the several states to pass laws for the seizure and forfeiture of all grain and flour purchased up or engrossed, with such exceptions and under such limitations and restrictions as they may think most expedient.

And, whereas, there is reason to believe that the end proposed by Congress in recommending an exemption from embargo, by their resolution of September 2d, may not only be defeated by private purchasers enhancing prices, or by captains making false protests and bearing away to foreign ports; but in cases where vessels may actually arrive in some ports of the eastern states, the cargoes may be engrossed by individuals at an extravagant rate, with a view of preying upon the public; to guard against which evils,

*Resolved*, That it be earnestly recommended to the legislative and executive authorities of the respective states, not to grant any exemption from embargo to any vessels whatever, unless, in addition to the former security recommended, the persons applying for the same, comply with the following stipulations, to wit:

That the shipper or shippers of the cargo solemnly make oath, that no part of the flour or grain proposed to be shipped has been purchased or contracted for since the 10th of October, 1778:

That the shipper and every man on board of the said vessels, whether seamen or passengers, solemnly swear that they will not, directly or indirectly, be privy to or concerned in any measure whatsoever, which may tend to defeat the arrival of the vessel at some safe port in one of the eastern states; but that they will, without any deception, mental reservation or equivocation whatever, take every measure to carry into effect the intention of the license granted:

That the shipper shall first agree with the commissary-general, or person by him duly authorized, for such purpose, on the price for which the flour shipped shall be delivered at one of the ports in the eastern states for the public use.

**Resolved,** That the exemption from the embargo, as recommended by the resolution of Congress of September 2d, be extended to vessels belonging to the middle and southern as well as those of the eastern states, under the restrictions and stipulations above mentioned.

**Resolved,** That the commissary-general be authorized to despatch provision vessels to the eastward, with or without convoy, as in his judgment shall be most conducive to the certain and speedy supply of those articles for the army of the United States and the fleet of count d'Estaing, notwithstanding any resolution of Congress heretofore made on this subject.

**Ordered,** That the committee have leave to sit again.

Adjourned to ten o'clock to-morrow.

**SATURDAY, October 3, 1778.**

A letter, of the 2d, from brigadier count Pulaski, and one of the 2d, from the board of war, were read : Whereupon,

**Ordered,** That the board of war be directed to enquire into the claim made against brigadier count Pulaski on which he has been lately arrested, and if such claim has arisen for articles furnished to his legion, that the board pay what shall appear to them reasonable, and if not accepted, that the board procure bail to the suit, and that the board be directed to inform brigadier Pulaski that it is the duty of every military officer in the service of these states, to yield obedience to any process issuing from any court, judge or magistrate within any of the United States.

**Ordered,** That so much of count Pulaski's letter as relates to his legion, be referred to the board of war.

The committee for foreign affairs laid before Congress a letter of June 1st, from the hon. A Lee, at Paris, which was read.

**Ordered,** That the hon. Silas Deane, esq. be furnished with a copy of the said letter, so far as relates to him.

Adjourned to nine o'clock on Monday,

**MONDAY, October 5, 1778.**

A letter, of September 25th, from major-general Sullivan, and one of the 23d, of the same month, from major-general the marquis de la Fayette, and one of the 18th of the same month, from Jonathan Trumbull, jun. late pay-master in the northern department, were read.

A letter, of September 29th, from general Washington, was read :

**Ordered,** That so much thereof as relates to the army, be referred to the board of war.

A letter, of September 29th, from major John Clark, one of the auditors in the army ; a memorial of captains Gilbert and Holmes ; and a letter from John Beatty, commissary-general of prisoners ; were read ; Whereupon,

**Ordered,** That 50,000 dollars in specie be advanced to col. J. Beatty, commissary-general of prisoners, for the use of the prisoners in the hands of the enemy, and to discharge the debts of those exchanged ; and that the commissary-general make monthly returns of his expenditures to the board of treasury.

On application of the delegates of North-Carolina, in pursuance of a resolve of the general assembly of that state, passed April 30th, 1778 :

**Ordered,** That 10,000 dollars be advanced to the said delegates, for the use of the state of North-Carolina, and for which the said state is to be accountable.

**Resolved,** That commissions be made out for the officers in count Pulaski's legion, and despatched to them by express by the board of war.

A letter, of this day, from the board of war, was read, with a letter enclosed, relative to the enemy's appearance off Egg-Harbour :

Congress resumed the consideration of the report of the committee appointed, in conjunction with a committee of the executive council of Pennsylvania, to determine the property of goods, wares and merchandise, &c after debate,

*Resolved*, That the state of facts reported by the said committee be referred to a committee of three: the members chosen, Mr. Reed, Mr. G. Morris, and Mr. Smith.

A letter, of the 24th, from Mr. John Wharton, was read, requesting leave to resign his office as member of the navy board of the middle district:

*Resolved*, That his resignation be accepted.

*Ordered*, That the resolution passed yesterday, respecting pensions, be published.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and thereupon came to the following resolutions:

*Resolved*, That a house be provided, at the city or place where Congress shall sit, wherein shall be held the several offices of the treasury:

That there be the following offices, to wit, the comptroller's, auditor's, treasurer's, and two chambers of accounts:

That each chamber of accounts consist of three commissioners and two clerks, to be appointed by Congress:

That in the treasurer's office there be a treasurer annually appointed by Congress, and one clerk appointed by the treasurer:

That in the auditor's office there be an auditor annually appointed by Congress, and two clerks appointed by the auditor:

That in the comptroller's office there be a comptroller annually appointed by Congress, and two clerks appointed by the comptroller:

That the auditor, treasurer, and comptroller shall not be appointed unless by the votes of nine states, and they be accountable for the conduct of their clerks respectively:

That the auditor shall receive all accounts brought against the United States for money lent, expended, or advanced; goods sold or purchased; services performed or work done, with the vouchers, and shall refer them to one of the chambers of accounts, endorsing them in the manner marked A:

That the commissioners of the chamber to whom an account shall be referred shall deliver the same to their clerks, to be properly stated:

That the clerks shall state the accounts referred to them by the commissioners, number and arrange the vouchers, examine the castings, and make necessary copies:

That the clerks, to whom an account shall be delivered, after they have completed the same, shall endorse it in the manner marked B:

That the commissioners to whom an account is referred as aforesaid, shall carefully examine the authenticity of the vouchers, rejecting such as shall not appear good, compare them with the articles to which they relate, and determine whether they support the charges; that they shall reduce such articles as are overcharged, and reject such as are improper, and shall endorse the accounts in the manner marked C, and transmit them, with the vouchers, to the auditor, and cause an entry to be made of the balances passed:

That the auditor shall receive the vouchers and accounts from the commissioners to whom he referred them, and cause them to be examined by his clerk. He shall compare the several articles with the vouchers, and if the parties concerned shall appeal from the judgment of the commissioners, he shall call before him the commissioners and the party, and hear them, and then make determination, from whence no appeal shall lie, unless to Congress. That after a careful examination of the account as aforesaid, he shall endorse it in the manner marked D, of which endorsement he shall send a duplicate, to be filed in the same chamber of accounts, and shall transmit the account and vouchers to the comptroller:

That the comptroller shall keep the treasury books, and seal and file all the accounts and vouchers on which the accounts in the said books are founded, and shall direct the manner of stating and keeping the public accounts. He shall draw bills under the said seal, on the treasurer, for such sums as shall be due by the United States, on accounts audited, which, previous to the payment, shall be countersigned by the auditor, and also for such sums as may, from time to time, be ordered by resolutions of Congress, in the form marked E. When moneys are due to the United States, on accounts audited, he shall notify the debtor, and, after hearing him, if he shall desire to be heard, fix a day, for payment, according to the circumstance of the case, not exceeding 90 days, of which he shall give notice to the auditor, in writing, in the form marked F.

That it shall be the duty of the treasurer to receive and keep the moneys of the United States, and to issue them on bills drawn by the comptroller as aforesaid, filing duplicates thereof with the auditor, day by day, as he shall make payment: that, on receipt of moneys, he shall give a receipt therefor, and transmit the same to the comptroller; and that he shall draw out and settle his accounts quarterly, giving the same in to the auditor for examination, by one of the chambers of accounts, to be from thence transmitted, through the auditor, to the comptroller, who shall compare the same with the treasury books, ascertain the balance, and return a copy of the same to Congress:

That the comptroller shall receive from the treasurer all receipts by him signed, and after making due entry thereof, by charging the treasurer and crediting the proper accounts, he shall endorse the same in the manner marked G, and deliver them to the party who made payment: that he shall, every quarter of a year, cause a list of the balances on the treasury books to be made out by his clerks, and lay it before Congress. That, where any person hath received public moneys, which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled account with them, he shall issue a summons in the form marked H, in which a reasonable time shall be given for the appearance of the party, according to the distance of his place of residence from the treasury, of which he shall notify the auditor:

That, in case the party summoned to account shall not appear, nor make good essoin, the auditor, on proof made of service in due time or other sufficient notice, shall make out a requisition in the form marked I, which he shall send to the comptroller's office where the same shall be sealed, and then it shall be sent to the executive authority of the state in which the party shall reside:

That it be recommended to the several states to enact laws for the taking of such persons, and also to seize the property of persons who, being indebted to the United States, shall neglect or refuse to pay the same; notice whereof shall be given by the auditor to the executive authority of the respective states, in the form marked K, under the treasury seal:

That the several officers of the treasury do, before they take upon them the execution of their offices respectively, before the president of Congress for the time being, make and subscribe the following oath, viz:

"I, A. B. , in the treasury of the United States, solemnly and sincerely swear, promise and declare, in the presence of Almighty God, that I will, diligently and faithfully, according to the best of my skill and understanding, in all things do my duty as a , as aforesaid, without fear, favor, affection, or partiality."

*Forms referred to.*

A. Account between the United States and

with the vouchers

That the board of war be directed to contract with a proper person, to build temporary log barracks for the reception of the said troops, at the place above mentioned, on or before the 15th day of December next, and that they report to Congress the contract they may enter into.

THREE O'CLOCK, P. M.

A letter, of the 6th, from major-general Schuyler, and one of this day, from major-general Lee, were read :

A motion being made in the words following :

Whereas frequenting play houses and theatrical entertainments has a fatal tendency to divert the minds of the people from a due attention to the means necessary for the defence of their country, and the preservation of their liberties :

*Resolved*, That any person holding an office under the United States, who shall act, promote, encourage or attend such plays, shall be deemed unworthy to hold such office, and shall be accordingly dismissed.

The previous question was moved, and received a negative.

It was then moved by a state, that the determination of the main question be postponed to the next day :

Whereupon, the sense of the house was required, whether, after the previous question has been put and lost, it is consistent with the 12th and 13th rules of this house to postpone the main question in right of a state :

And on this the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	} ay	<i>Maryland</i> ,	Mr. Henry,	ay	} *
<i>Massa'tts-Bay</i> , Mr. S. Adams,	no		<i>Virginia</i> ,	Mr. R. H. Lee,	no	
Gerry,	no			M. Smith,	no	
	Holten,	no		Griffin,	ay	} no
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	<i>N.-Carolina</i> ,	Mr. Harnett,	ay	
<i>Connecticut</i> , Mr. Sherman,	no			Williams,	ay	
Ellsworth,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	no	} no
<i>New-York</i> , Mr. Lewis,	ay	} ay		Drayton,	no	
Duer,	ay			Matthews,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	no	} no	<i>Georgia</i> ,	Mr. Walton,	ay	} ay
Elmer,	no			Telfair,	no	
Scudder,	no			Langworthy,	ay	
<i>Pennsylvania</i> , Mr. R. Morris,	ay	} no				
Roberdeau,	no					
Clingan,	no					

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	} ay	<i>Maryland</i> ,	Mr. Henry,	no	} *
<i>Massa'tts-Bay</i> , Mr. S. Adams,	ay		<i>Virginia</i> ,	Mr. R. H. Lee,	ay	
Gerry,	ay			M. Smith,	no	
	Holten,	ay		Griffin,	no	} no
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>Connecticut</i> , Mr. Sherman,	ay			Harnett,	no	
Ellsworth,	ay			Williams,	no	
<i>New-York</i> , Mr. Lewis,	no	} no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} ay
Duer,	no			Drayton,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay			Matthews,	no	
Scudder,	ay	} ay	<i>Georgia</i> ,	Mr. Walton,	no	} no
<i>Pennsylvania</i> , Mr. R. Morris,	no			Telfair,	no	
Roberdeau,	ay					
Clingan,	ay					

So it was resolved in the affirmative.

*Ordered*, That the resolution be published.

Adjourned to ten o'clock to-morrow.

SATURDAY, October 17, 1778.

Congress met, and adjourned to three o'clock.



## THREE O'CLOCK, P. M.

A letter, of the 16th, from count Pulaski, was read :

*Ordered*, That it be referred to the committee of intelligence.

A letter, of the 16th, from major-general the marquis de la Fayette, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. G. Morris, Mr. Reed, and Mr. Henry.

A letter, of the 16th, from general Conway, was read :

*Ordered*, To lie on the table.

A letter, of the 9th, from brigadier Stark, was read :

*Ordered*, That it be referred to the board of war.

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of the board of war, for 30,000 dollars, for the purpose of erecting barracks in the county of Albemarle, in the state of Virginia, for the accommodation of the troops under the convention of Saratoga.

*Ordered*, That a letter be written by the president to major-general lord Stirling, informing him that the bearer, Mrs. Yard, is permitted to return to this city, with her trunks and baggage, without any examination, and that she be permitted accordingly.

*Ordered*, That the president write to gov. Henry, requesting him to forward, with all possible expedition, the 1000 men formerly required by Congress to be sent to South-Carolina ; and that gov. Caswell, of North-Carolina, be also requested to forward the 3000 men required of that state, for the defence of South-Carolina and Georgia, together with an addition of 2000 men, to be raised and forwarded to Charleston, with all possible expedition, at the charge of the continent.

The committee to whom was referred the letter from count d'Estaing, brought in a report ; Whereupon,

*Resolved*, That his excellency count d'Estaing hath behaved as a brave and wise officer, and that his excellency, and the officers and men under his command, have rendered every benefit to these states, which the circumstances and nature of the service would admit of, and are fully entitled to the regards of the friends of America.

*Resolved*, That the president transmit the foregoing resolution to his excellency the count d'Estaing, and inform him that Congress entertain the highest sense of his zeal and attachment manifested in repeated instances, and particularly in his spirited offer to lead the troops under his command from Boston, and to co-operate against Rhode-Island.

Adjourned to nine o'clock on Monday.

## MONDAY, October 19, 1778.

A letter, of the 6th, from James Deane, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Witherspoon, Mr. G. Morris, and Mr. Drayton.

A letter, of the 13th, from Mr. C. Stewart, was read : Whereupon,

*Resolved*, That major James Gray be appointed deputy commissary-general of issues in the northern department.

A letter, of the 17th, from major-general lord Stirling, was read.

Whereas, by the 8th article of the articles of confederation and perpetual union, agreed upon for the United States of North-America, it is provided, that all expense for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury to be supplied by the several states, in proportion to the value of all lands within each state, granted to, or surveyed for any person, as such land, and the buldings and improvements thereon, shall be estimated, according



to such mode as the United States in Congress assembled shall, from time to time, direct and appoint :

And, whereas, the value aforesaid must, from the nature of things, frequently change, and frequent valuations thereby become necessary : therefore,

*Resolved*, That it be recommended to the several states to instruct their delegates to fix the period of such valuation.

*Resolved*, That in the opinion of Congress five years will be a proper term for that purpose.

Adjourned to nine o'clock to-morrow.

TUESDAY, October 20, 1778.

An appeal from the judgment of a court of admiralty for the state of Pennsylvania, on the libel "Yelverton Taylor, versus sloop Polly," was lodged with the secretary and referred to the committee on appeals.

Also an appeal from the judgment of a court of admiralty for the state of Rhode-Island and Providence Plantations, on the libel "Charles Jenks, &c. versus sloop Fanny," was lodged with the secretary at his chamber, on the 16th, and referred to the committee on appeals.

A letter, of this day, from J. Wadsworth, esq. commissary-general of purchases, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. R. H. Lee, Mr. Sherman, and Mr. Marchant.

A letter, of the 14th, from gen. Washington, and one of September 12th, from major-general Heath, enclosing a paper of intelligence, were read.

A letter, of this day, from Christopher Hele, lieutenant of the Preston man of war, was read :

*Ordered*, To lie on the table.

A memorial from Gersham Mott and Robert Walker, in behalf of themselves and others, captains in the regiment of artillery commanded by col. John Lamb, accompanied with sundry papers therein referred to, was read :

*Ordered*, That it be referred to the board of war.

A letter, of September 22d, from cols. Morgan, Williams and Davies, enclosing four memorials of the same tenor and date, but signed differently by the field officers and captains in the army, was read :

*Ordered*, To lie on the table, until Congress have fully considered and determined on the report of the committee of arrangement.

A letter, of the 18th, from David Franks, directed to Moses Franks, and one signed Matthew Clarkson, A. D. camp, and directed to gen. Maxwell, or in his absence, to col. Shrieve, were laid before Congress, and read :

*Ordered*, That they be referred to a committee of three : the members chosen, Mr. Duer, Mr. Roberdeau, and Mr. Drayton.

A memorial from Griffin Greene & Co. was read :

*Ordered*, That it be referred to a committee of three, and that they confer thereon with the commissary-general of purchases : the members chosen, Mr. Matthews, Mr. Lewis, and Mr. M. Smith.

A letter of the 14th, from major-gen. the marquis de la Fayette, was read.

*Resolved*, That the sum of 100,000 dollars, be transmitted by the board of war to Benjamin Harrison, jun. esq. deputy pay-master general in the state of Virginia, for paying the arrears due to the continental troops in that state, and the balance due to the militia thereof, that were in the continental service last year, and for the pay and subsistence of the continental troops and levies recommended to be sent from that state to Charleston, for the defence of the states of South-Carolina and Georgia ; he to be accountable.

*Resolved*, That the sum of 1,000,000 of dollars be transmitted by the board of war to John Lewis Gervais, esq. who is hereby unanimously appointed deputy pay-master general in the state of South-Carolina, for the pay and

subsistence of the continental troops and levies ordered to Charleston for the defence of the states of South-Carolina and Georgia; he to be accountable.

THREE O'CLOCK, P. M.

A letter, of the 18th, from Mr. President Rodney, of Delaware state, was read:

A letter, of the 10th, from W. Pynchon, of the county of Hampshire, in the state of Massachusetts-Bay, was read, informing, that he has received, for the use of the continent, £ 120, money of that state, and desiring to know to whom he shall pay the same:

*Ordered*, That it be referred to the board of treasury.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 150,000 dollars in favor of James Mease, esq. clothier-general, to enable him to complete the payment of balances due from his department; for which he is to be accountable:

That a warrant issue on the treasurer in favour of major John Clark, for 850 dollars, in discharge of a bill drawn by W. Palfrey, pay-master general, on the president of Congress, for that sum, in favor of the said major Clark, dated September 25th, 1778; the said pay-master general to be accountable:

That a warrant issue on David Rittenhouse, esq. treasurer of the state of Pennsylvania, in favor of the marine committee, for 5000 dollars, advanced upon their application, to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of November last; for which the said committee is to be accountable:

That, upon the application of the board of war and ordnance, a warrant issue on David Rittenhouse, esq. treasurer of the state of Pennsylvania, in favor of brigadier count Pulaski, for 10,000 dollars, on account of his corps, for which he is to be accountable; which sum is to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of November last:

That a warrant issue on the treasurer in favor of capt. Cosmo Medici, for 1500 dollars, in satisfaction of his account of expenses for himself and four troopers, escorting loan-office certificates to the southern states:

That a warrant issue on the treasurer in favor of Mr. J. Elmer, a delegate from the state of New-Jersey, for 200 dollars, advanced upon his application; the said state to be accountable:

That a warrant issue on the treasurer in favor of Mr. N. Scudder, a delegate from the state of New-Jersey, for 500 dollars, advanced upon his application; the said state to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the Rev. Mr. White, for his pay as chaplain to Congress, from October 1st, 1777, to October 1st, 1778, 720 dollars, and for his rations during the same time, 303 6-90 dollars, making in the whole, 1023 6-90 dollars:

That there is due to William Woodhouse, for stationary for the use of Congress, 105 60-90 dollars:

That there is due to George Bright, for superintending the making of paper for loan-office certificates, 25 days, 150 dollars:

That there is due to Robert Patton, his pay as messenger to Congress, from June 16th, to the 13th of October, 1778, inclusive, 240 dollars:

That there is due to sundry persons for articles for the public entertainment on the 4th of July last, 2835 60-90 dollars, of which the committee

appointed to conduct the said entertainment have received for articles sold 289 15-90 dollars, which leaves a balance of 2546 54-90 dollars; to be paid to Mr. Matthews :

*Ordered*, That the said accounts be paid.

A letter, of this day, from the board of war, was read :

*Ordered*, To lie on the table.

*Resolved*, That on Friday next, Congress take into consideration the proceedings of the court-martial on the trial of major-general Lee, immediately after reading the public letters and taking order thereon, and that all the members in town be summoned to attend.

The committee to whom was referred a letter of September 25th, from P. Colt, esq. brought in a report; Whereupon,

*Ordered*, That a warrant issue on Nathaniel Appleton, esq. commissioner of the continental loan-office in the state of Massachusetts-Bay, for 70,000 dollars : another warrant on John Lawrence, esq. treasurer of the state of Connecticut, for 100,000 dollars, being part of the sum to be raised by the said state, for supplying the continental treasury : and one other warrant on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 20,000 dollars, in favor of Peter Colt, esq. late commissary general of purchases, who is to be accountable for the said sums, amounting to 190,000 dollars, and to be furnished with a copy of this order.

*Resolved*, That Mr. Colt be directed to transmit to the board of treasury the accounts of purchases made under the direction of William Buchanan, esq. late commissary-general of purchases, in order for settlement.

Whereas by a resolution of Congress of April 22d, 1777, it is provided, that the several commanding officers of parties, detachments or corps on their march to or from camp, shall send to the military hospitals such of the officers and soldiers as, from time to time, are unable to proceed, unless from the distance of the hospitals or other causes, it shall at any time be necessary to deliver them to the care of private physicians or surgeons, in which cases the deputy director-general shall discharge the reasonable demands of the physicians and surgeons conducting, agreeably to the said resolve.

And, whereas, no provision is therein made for discharging the accounts of other persons who have been or may be employed by proper officers for taking care of and providing for such officers and soldiers :

*Resolved*, That the deputy directors general respectively, be authorized and instructed to discharge such of the said accounts as shall appear to be reasonable and just, provided that each person who may hereafter be employed to provide for officers and soldiers as aforesaid, shall give the earliest notice thereof to the deputy director-general, or the physician or surgeon-general of the district, in order for the speedy removal to the military-hospitals.

*Resolved*, That lieutenant-colonel du Cambray be ordered to repair with all convenient expedition to the state of South-Carolina, for the purpose of putting the town and harbour of Charleston in the most respectable posture of defence, and to render such other service to the states of South-Carolina and Georgia, as shall be required of him by the commanding-officer of that department.

*Resolved*, That henceforward Congress sit but once a day: that they meet precisely at ten o'clock, and sit till three o'clock, P. M.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, October 21, 1778.

The committee to whom were referred the letters from David Franks, &c. brought in a report; Whereupon,

The letter from David Franks, esq. commissary of British prisoners, to

Moses Franks, esq. of London, enclosed, under cover to capt. Thomas Moore, of gen. Delancey's regiment, being read,

*Resolved*, That the contents of the said letter manifest a disposition and intentions inimical to the safety and liberty of the United States; and that Mr. Franks, having endeavored to transmit this letter by stealth within the British lines, has abused the confidence reposed in him by Congress, to exercise within the jurisdiction of these states the office of commissary to the British prisoners.

*Resolved*, That major-general Arnold be directed to cause the said David Franks forthwith to be arrested, and conveyed to the new gaol in this city, there to be confined till the further order of Congress.

*Resolved*, That David Franks, esq. be not, after the 10th day of November next, permitted to exercise, directly or indirectly, the office of commissary to the British prisoners within the jurisdiction of the United States.

*Resolved*, That general Washington be directed to transmit a copy of these resolutions to sir Henry Clinton, and inform him, that Congress desire he will nominate a proper person who, having received their approbation, may exercise the office of commissary to the British prisoners.

*Ordered*, That the committee sit again, and consider by what process it may be proper to take cognizance of Mr. D. Franks's offence.

*Ordered*, That 5000 dollars be advanced to Mr. President, for the purpose of paying expresses.

A letter, of the 19th, from Mr. J. Beatty, commissary of prisoners, enclosing a letter of the 14th, from Mr. Joshua Loring, of New-York, was read, desiring to know the pleasure of Congress, whether he shall comply with Mr. Loring's application, that lord Balcarras, and captain Strangeways, two officers of the convention troops, be permitted, on parole, to go and reside in England, in exchange for two American officers, who are to be suffered, on parole, to reside at their own homes: Whereupon,

*Resolved*, That the commissary-general of prisoners be informed, that Congress do not approve of partial and parole exchanges; but that they are willing to make a general exchange of officers, whether of the convention or otherwise, as far as numbers and ranks will apply.

A memorial from Mons. de Vrigny, was read, representing, that the time of his furlough from the court of France being expired, he is under the necessity of resigning his commission; Whereupon,

*Resolved*, That his resignation be accepted.

*Ordered*, That so much of the said memorial as relates to pay and rations due to Mons. de Vrigny, be referred to the board of treasury.

*Ordered*, That a copy of the said memorial be sent to gen. Washington, and that he be empowered and directed to give Mons. de Vrigny such certificate and testimonial as his zeal and services may have entitled him to.

A memorial from baron de Randerode de Thulier, a native of Lorain, accompanied with sundry papers, was laid before Congress, and read:

*Ordered*, That it be referred to the committee on the memorial from the marquis de Britigny.

A representation from the state of New-Jersey, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. G. Morris, Mr. Scudder, and Mr. Witherspoon.

*Resolved*, That a committee of three be appointed to prepare a plan for procuring reinforcements of men to supply the places of those whose times of service will expire in the winter: the members chosen, Mr. Guer, Mr. Sherman, and Mr. R. H. Lee.

*Resolved*, That gen. Washington be directed to inform Congress of the progress which has been made in re-inlisting the army in consequence of the resolution of the 8th of September last.

the proportion to be furnished them respectively, agreeably to the said resolve; and, upon the application of gen. Sullivan to the said assembly, they passed an order that all the continental officers doing duty in the said state, although not belonging to the continental battalions of the same, should be supplied in the like manner: and because the said several transactions of the said council of war and legislature of the said state were done and made from the necessity of the officers in the said department, and for want of the necessary instructions of the clothier-general for these purposes, the said legislature directed their delegates in congress to lay the same before Congress for their approbation: the committee therefore are of opinion, that the said transactions, advice, and directions of the said council of war and legislature, and the advance of clothing made by the said agent-clothier, in consequence thereof, were advisable, and agreeable to the spirit and intention of the said resolution of Congress of November 22d, 1777: Whereupon,

*Resolved*, That Congress do approve of the said transaction, advice and instructions of the council of war and legislature of the state of Rhode-Island, and of the advance of clothing made in consequence thereof by the agent-clothier.

Congress resumed the consideration of the report of the committee on finance, to which an amendment being moved,

*Ordered*, That the report, with the amendment, be referred to a committee of five: the members chosen, Mr. M. Smith, Mr. Gerry, Mr. Witherspoon, Mr. R. H. Lee, and Mr. Sherman.

*Ordered*, That Thursday next be assigned for fixing the salaries and nominating the officers of the treasury on the new arrangement:

That Saturday next be assigned for electing the said officers.

The committee on the treasury brought in a report: Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. James Smith, one of the delegates of the state of Pennsylvania, for 600 dollars, advanced upon his application; for which the said state is to be accountable:

That a warrant issue on the treasurer in favor of the delegates of Georgia, for 1339 60-90 dollars, to enable them to advance the said sum to captain Rawleigh Downman, for subsisting his company whilst on the recruiting service; the said state to be accountable:

That a warrant issue on the treasurer in favor of Matthew Irwin, late deputy commissary general, for 75,000 dollars, to complete the sum of 200,000 dollars, which Joseph Trumbull, esq. deceased, late commissary-general, in a letter of credit of August 14th, 1777, to the president of Congress, applied for as an advance to Mr. Irwin, and that the same be charged to the account of Mr. Joseph Trumbull.

*Resolved*, That Joseph Clay, esq. deputy pay-master general in the state of Georgia, be empowered and directed to pay into the hands of the deputy commissary, the deputy quarter-master, and the deputy clothier-general, in the said state, (they obtaining a warrant from the commanding officer in the southern department,) such sum or sums of money as may be wanting in their respective departments; each of them to be accountable; and that the said deputy pay-master general transmit the accounts of the sums he may so advance to the several officers at the heads of the above mentioned departments.

*Resolved*, That the deputy commissary, the deputy quarter-master, and the deputy clothier-general, in the state of Georgia, when they deliver their respective accounts of expenditures to the deputy pay-master general, do cause to be specified, on the receipts of the said accounts, that the same were paid in continental currency, and that the sum be fully expressed in words.

*Resolved*, That the deputy pay-master general be empowered and directed to pay the officers and men belonging to the continental galleys in the state



of Georgia, the monthly wages that are and may be due to them, transmitting at the end of every month an account of the same to the board of treasury.  
Adjourned to ten o'clock to-morrow.

**WEDNESDAY, October 14, 1778.**

A letter, of the 13th, from J. Wadsworth, esq. commissary-general of purchases, was read, with an account of his receipts and expenditures, amounting to 6,500,000 dollars :

*Ordered*, That the same be referred to the board of treasury.

A letter, of this day, from chevalier de la Neuville, was read : Whereupon,

*Resolved*, That a brevet commission of brigadier be granted to Mr. de la Neuville, the elder, in the army of the United States of America, to be dated August 14th, 1778.

A letter, of the 12th, from Mr. S. Deane, was read, accompanied with his remarks on the extracts from the letters of Mr. Izard, and also his remarks on the extracts from the letters of Mr. A. Lee, with which Mr. Deane was furnished :

*Ordered*, That a copy of the remarks on the extracts of Mr. Izard's letters be made out and transmitted to Mr. Izard, and that Mr. President be furnished with a duplicate thereof.

*Ordered*, That a copy of the remarks on the extracts of Mr. Izard's and Mr. Lee's letters, be made out and transmitted to Mr. Lee.

*Ordered*, That Monday next be assigned for the further examination of Mr. W. Carmichael, and that Mr. Carmichael be directed to attend on that day.

Sundry memorials from the hon. the minister plenipotentiary of France, were read, respecting the prisoners of the king of France :

*Ordered*, That they be referred to the marine committee, with orders to carry into execution the requisitions of the minister.

A copy of a letter from count d'Estaing to the hon. sieur Gerard, was read, with sundry letters accompanying the same :

*Ordered*, That they be referred to a committee of three : the members chosen, Mr. R. H. Lee, Mr. G. Morris, and Mr. M. Smith.

Adjourned to nine o'clock to-morrow.

**THURSDAY, October 15, 1778.**

A letter, of September 16th, from the navy board in the eastern district ; one, of the 6th inst. from Jonathan Trumbull, jun. esq. and one of September 25th, from Mesheck Weare, esq. president of New-Hampshire, were read.

A letter of the 6th, from governor Trumbull, was read, with a memorial and petition of William Hoskins enclosed :

*Ordered*, That the same be referred to a committee of four : the members chosen, Mr. R. H. Lee, Mr. Bartlett, Mr. Ellsworth, and Mr. S. Adams.

An invoice of the cargo of the Duchess de Gramont, which arrived some time ago, was laid before Congress :

*Ordered*, That it be referred to the committee on clothing.

A letter, of the 28th of June last, from Mr. Izard, at Paris, with sundry papers accompanying the same, were read :

*Ordered*, To lie on the table for the perusal of the members.

**THREE O'CLOCK, P. M.**

Congress having received intelligence that a number of vessels are engaged in New-York by the commissioners of his Britannic majesty, to go with flags to the several states in this union, for the purpose of spreading among the inhabitants a manifesto and proclamation, published by the said commissioners at New-York, on the 3d day of October inst. for the purposes of sedition, &c.



*Ordered*, That the paper containing the intelligence be referred to a committee of five : the members chosen, Mr. G. Morris, Mr. Duer, Mr. Matthews, Mr. R. H. Lee, and Mr. Gerry.

Adjourned to nine o'clock to-morrow.

FRIDAY, October 16, 1778.

A letter, of the 13th, from major-general lord Stirling, was read :

*Ordered*, That it be referred to the committee of intelligence, for publication.

A letter, of this day, from J. Wadsworth, esq. commissary-general of purchases, was read :

*Ordered*, That it be referred to the marine committee.

A petition of George Rice, of the 11th Virginia regiment, was read, praying relief for the loss of 650 dollars :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Harvie, Mr. Matthews, and Mr. Scudder.

A report from the auditor-general, was read :

*Ordered*, That it be referred to the board of treasury.

A letter from captain Cosmo Medici was read :

*Ordered*, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the pay-master of the board of war and ordnance, for 1,000,000 of dollars, to be by him transmitted to William Palfrey, esq. pay-master general, for the use of his department ; he to be accountable.

*Resolved*, That the commissioners of accounts in the northern and eastern departments be respectively directed forthwith to repair, with all the books, accounts, and other papers of their office, to the board of treasury.

The committee to whom was referred the letter of col. Pickering, brought in a report ; Whereupon,

*Resolved*, That, in consideration of the greatly increased expense of living, since the salaries of the commissioners of the war office were established, and of the extraordinary expenses incurred by their public station, the sum of 4000 dollars per annum, to commence from this day, be paid to col. Pickering and Mr. Peters, respectively, as acting members of the board of war ; this salary to be reduced by Congress when circumstances are so far altered as to render the reduction reasonable and necessary :

That col. Pickering have leave of absence for eight weeks, to go home, but to return sooner, if his private affairs will admit.

The committee to whom was referred the intelligence of the enemy's design to send certain seditious papers into these states, under cover of flags, brought in a report ; whereupon, Congress came to the following resolutions :

Whereas Congress, on the 22d day of April, 1778, did resolve, that any man, or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great-Britain, or any of them, ought to be considered and treated as open and avowed enemies of the United States : and whereas Congress have received intelligence that the commissioners of the king of Great-Britain are about to send, under the sanction of a flag, certain seditious papers, under the name and title of manifestos, to be distributed throughout these United States, with a view to stir up dissensions, animosities and rebellion, among the good people of these states : and whereas such practices are contrary to the laws of nations, and utterly subversive of the confidence necessary for those means which have been invented among civilized nations to alleviate the horrors of war ; and therefore the agents employed to distribute the said papers are not entitled to protection from a flag, while engaged in the prosecution of such nefarious purposes :

**Resolved,** That it be recommended to the executive powers of these United States, to take up and secure in safe and close custody all and any person and persons who, under the sanction of a flag or otherwise, may be concerned or engaged in the purposes aforesaid: and farther, that the papers aforesaid be printed in the several gazettes, more fully to convince the good people of these states of the insidious designs of the said commissioners.

**Ordered,** That the committee have leave to sit again.

The committee to whom was referred the letter from major-gen. Heath; brought in a report; Whereupon, Congress came to the following resolutions:

Whereas Congress, on the 11th day of September last, resolved and directed, that application should be made to sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston, for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as should be agreed on between the generals Washington and sir Henry Clinton; and that gen. Washington inform gen. Clinton, that if such passports be not granted within three days after application made, or measures adopted by him for sending to the port of Boston ample supplies of provision and fuel for the convention prisoners, on or before the 5th of October, Congress would deem themselves justifiable in removing the said prisoners to such part of the United States as they can be best subsisted in: and whereas application has been made, and information given, to gen. sir Henry Clinton, pursuant to the resolution aforesaid, but to no effect; and whereas the continuing the troops before mentioned in the state of Massachusetts-Bay, or any of the eastern states, and subsisting them there, if practicable, will be very prejudicial to the inhabitants of the said states:

**Resolved,** That gen. Washington be directed, if neither of the alternatives mentioned in the above resolve have been complied with, to take the necessary steps for removing, with all convenient speed, all the prisoners of the convention of Saratoga to the town of Charlottesville, in the county of Albemarle, in the state of Virginia.

In debating this resolution, a motion was made, after the word "Saratoga," to insert the words following, "to the barracks at Lancaster and Yorktown, in the state of Pennsylvania, to Fort-Frederick, in the state of Maryland, and:"

On which the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	no	no	<i>Virginia</i> ,	Mr. Harvie,	no	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay	*		R. H. Lee,	no	no
	no			M. Smith,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>Connecticut</i> , Mr. Sherman,	no	no		Harnett,	no	no
	no			Williams,	ay	
<i>New-York</i> , Mr. Lewis,	no	div	<i>S.-Carolina</i> ,	Mr. Laurens,	no	na
	ay			Matthews,	no	
<i>New-Jersey</i> , Mr. Scudder,	no	no	<i>Georgia</i> ,	Mr. Walton,	no	
<i>Pennsylvania</i> , Mr. Clingan,	no	no		Telfair,	no	no
<i>Maryland</i> , Mr. Henry,	ay	*		Langworthy,	no	

So it passed in the negative.

**Resolved,** That the board of war appoint a proper person to superintend and take charge of the said prisoners; that they contract for the fuel for their use, and apply to the governor and council of Virginia, for a sufficient force of militia to guard the said prisoners:

That the commissary-general of purchases provide a suitable supply of provision for the said troops:

That the commissary-general of issues appoint a suitable person to issue provisions to the said troops, and to keep a regular account thereof:

That regular accounts for provisions and fuel be made and transmitted, from time to time, to the board of war:

That the board of war be directed to contract with a proper person, to build temporary log barracks for the reception of the said troops, at the place above mentioned, on or before the 15th day of December next, and that they report to Congress the contract they may enter into.

THREE O'CLOCK, P. M.

A letter, of the 6th, from major-general Schuyler, and one of this day, from major-general Lee, were read :

A motion being made in the words following :

Whereas frequenting play houses and theatrical entertainments has a fatal tendency to divert the minds of the people from a due attention to the means necessary for the defence of their country, and the preservation of their liberties :

*Resolved*, That any person holding an office under the United States, who shall act, promote, encourage or attend such plays, shall be deemed unworthy to hold such office, and shall be accordingly dismissed.

The previous question was moved, and received a negative.

It was then moved by a state, that the determination of the main question be postponed to the next day :

Whereupon, the sense of the house was required, whether, after the previous question has been put and lost, it is consistent with the 12th and 13th rules of this house to postpone the main question in right of a state :

And on this the yeas and nays being required by Mr. Duer,

<i>New-Hampshire</i> , Mr. Bartlett,	ay	} ay	<i>Maryland</i> ,	Mr. Henry,	ay	} *
<i>Massa'etts-Bay</i> , Mr. S. Adams,	no		<i>Virginia</i> ,	Mr. R. H. Lee,	no	
	Gerry,	no		M. Smith,	no	} no
	Holten,	no		Griffin,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	<i>N.-Carolina</i> ,	Mr. Harnett,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	no			Williams,	ay	
	Ellsworth,	no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} no
<i>New-York</i> , Mr. Lewis,	ay	} ay		Drayton,	no	
	Duer,	ay		Matthews,	no	} no
<i>New-Jersey</i> , Mr. Witherspoon,	no	} no	<i>Georgia</i> ,	Mr. Walton,	ay	
	Elmer,	no		Telfair,	no	} ay
	Scudder,	no		Langworthy,	ay	
<i>Pennsylvania</i> , Mr. R. Morris,	ay	} no				
	Roberdeau,	no				
	Clingan,	no				

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. Duer,

<i>New-Hampshire,</i>	Mr. Bartlett,	ay	} ay	<i>Maryland,</i>	Mr. Henry,	no	} *
<i>Massa'etts-Bay,</i>	Mr. S. Adams,	ay		<i>Virginia,</i>	Mr. R. H. Lee,	ay	
	Gerry,	ay	} ay		M. Smith,	no	} no
	Holten,	ay			Griffin,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay	<i>N.-Carolina,</i>	Mr. Penn,	no	} no
<i>Connecticut,</i>	Mr. Sherman,	ay			Harnett,	no	
	Ellsworth,	ay	} ay		Williams,	no	} no
<i>New-York,</i>	Mr. Lewis,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	
	Duer,	no		Drayton,	ay	} ay	
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay		Matthews,		no
	Scudder,	ay		<i>Georgia,</i>	Mr. Walton,	no	} no
<i>Pennsylvania,</i>	Mr. R. Morris,	no		Telfair,	no		
	Roberdeau,	ay	} ay				
	Clingan,	ay					

So it was resolved in the affirmative.

*Ordered*, That the resolution be published.

Adjourned to ten o'clock to-morrow.

SATURDAY, October 17, 1778.

Congress met, and adjourned to three o'clock.

## THREE O'CLOCK, P. M.

A letter, of the 16th, from count Pulaski, was read :

*Ordered*, That it be referred to the committee of intelligence.

A letter, of the 16th, from major-general the marquis de la Fayette, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. G. Morris, Mr. Reed, and Mr. Henry.

A letter, of the 16th, from general Conway, was read :

*Ordered*, To lie on the table.

A letter, of the 9th, from brigadier Stark, was read :

*Ordered*, That it be referred to the board of war.

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of the board of war, for 30,000 dollars, for the purpose of erecting barracks in the county of Albemarle, in the state of Virginia, for the accommodation of the troops under the convention of Saratoga.

*Ordered*, That a letter be written by the president to major-general lord Stirling, informing him that the bearer, Mrs. Yard, is permitted to return to this city, with her trunks and baggage, without any examination, and that she be permitted accordingly.

*Ordered*, That the president write to gov. Henry, requesting him to forward, with all possible expedition, the 1000 men formerly required by Congress to be sent to South-Carolina ; and that gov. Caswell, of North-Carolina, be also requested to forward the 8000 men required of that state, for the defence of South-Carolina and Georgia, together with an addition of 2000 men, to be raised and forwarded to Charleston, with all possible expedition, at the charge of the continent.

The committee to whom was referred the letter from count d'Estaing, brought in a report ; Whereupon,

*Resolved*, That his excellency count d'Estaing hath behaved as a brave and wise officer, and that his excellency, and the officers and men under his command, have rendered every benefit to these states, which the circumstances and nature of the service would admit of, and are fully entitled to the regards of the friends of America.

*Resolved*, That the president transmit the foregoing resolution to his excellency the count d'Estaing, and inform him that Congress entertain the highest sense of his zeal and attachment manifested in repeated instances, and particularly in his spirited offer to lead the troops under his command from Boston, and to co-operate against Rhode-Island.

Adjourned to nine o'clock on Monday.

## MONDAY, October 19, 1778.

A letter, of the 6th, from James Deane, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Witherspoon, Mr. G. Morris, and Mr. Drayton.

A letter, of the 13th, from Mr. C. Stewart, was read : Whereupon,

*Resolved*, That major James Gray be appointed deputy commissary-general of issues in the northern department.

A letter, of the 17th, from major-general lord Stirling, was read.

Whereas, by the 8th article of the articles of confederation and perpetual union, agreed upon for the United States of North-America, it is provided, that all expense for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury to be supplied by the several states, in proportion to the value of all lands within each state, granted to, or surveyed for any person, as such land, and the buldings and improvements thereon, shall be estimated, according

to such mode as the United States in Congress assembled shall, from time to time, direct and appoint :

And, whereas, the value aforesaid must, from the nature of things, frequently change, and frequent valuations thereby become necessary : therefore,

*Resolved*, That it be recommended to the several states to instruct their delegates to fix the period of such valuation.

*Resolved*, That in the opinion of Congress five years will be a proper term for that purpose.

Adjourned to nine o'clock to-morrow.

**TUESDAY, October 20, 1778.**

An appeal from the judgment of a court of admiralty for the state of Pennsylvania, on the libel "Yelverton Taylor, versus sloop Polly," was lodged with the secretary and referred to the committee on appeals.

Also an appeal from the judgment of a court of admiralty for the state of Rhode-Island and Providence Plantations, on the libel "Charles Jenks, &c. versus sloop Fanny," was lodged with the secretary at his chamber, on the 16th, and referred to the committee on appeals.

A letter, of this day, from J. Wadsworth, esq. commissary-general of purchases, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. R. H. Lee, Mr. Sherman, and Mr. Marchant.

A letter, of the 14th, from gen. Washington, and one of September 12th, from major-general Heath, enclosing a paper of intelligence, were read.

A letter, of this day, from Christopher Hele, lieutenant of the Preston man of war, was read :

*Ordered*, To lie on the table.

A memorial from Gersham Mott and Robert Walker, in behalf of themselves and others, captains in the regiment of artillery commanded by col. John Lamb, accompanied with sundry papers therein referred to, was read :

*Ordered*, That it be referred to the board of war.

A letter, of September 22d, from cols. Morgan, Williams and Davies, enclosing four memorials of the same tenor and date, but signed differently by the field officers and captains in the army, was read :

*Ordered*, To lie on the table, until Congress have fully considered and determined on the report of the committee of arrangement.

A letter, of the 18th, from David Franks, directed to Moses Franks, and one signed Matthew Clarkson, A. D. camp, and directed to gen. Maxwell, or in his absence, to col. Shrieve, were laid before Congress, and read :

*Ordered*, That they be referred to a committee of three : the members chosen, Mr. Duer, Mr. Roberdeau, and Mr. Drayton.

A memorial from Griffin Greene & Co. was read :

*Ordered*, That it be referred to a committee of three, and that they confer thereon with the commissary-general of purchases : the members chosen, Mr. Matthews, Mr. Lewis, and Mr. M. Smith.

A letter of the 14th, from major-gen. the marquis de la Fayette, was read.

*Resolved*, That the sum of 100,000 dollars, be transmitted by the board of war to Benjamin Harrison, jun. esq. deputy pay-master general in the state of Virginia, for paying the arrears due to the continental troops in that state, and the balance due to the militia thereof, that were in the continental service last year, and for the pay and subsistence of the continental troops and levies recommended to be sent from that state to Charleston, for the defence of the states of South-Carolina and Georgia ; he to be accountable..

*Resolved*, That the sum of 1,000,000 of dollars be transmitted by the board of war to John Lewis Gervais, esq. who is hereby unanimously appointed deputy pay-master general in the state of South-Carolina, for the pay and



subsistence of the continental troops and levies ordered to Charleston for the defence of the states of South-Carolina and Georgia ; he to be accountable.

THREE O'CLOCK, P. M.

A letter, of the 18th, from Mr. President Rodney, of Delaware state, was read :

A letter, of the 10th, from W. Pyncheon, of the county of Hampshire, in the state of Massachusetts-Bay, was read, informing, that he has received, for the use of the continent, £ 120, money of that state, and desiring to know to whom he shall pay the same :

*Ordered*, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 150,000 dollars in favor of James Mease, esq. clothier-general, to enable him to complete the payment of balances due from his department ; for which he is to be accountable :

That a warrant issue on the treasurer in favour of major John Clark, for 850 dollars, in discharge of a bill drawn by W. Palfrey, pay-master general, on the president of Congress, for that sum, in favor of the said major Clark, dated September 25th, 1778 ; the said pay-master general to be accountable :

That a warrant issue on David Rittenhouse, esq. treasurer of the state of Pennsylvania, in favor of the marine committee, for 5000 dollars, advanced upon their application, to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of November last ; for which the said committee is to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on David Rittenhouse, esq. treasurer of the state of Pennsylvania, in favor of brigadier count Pulaski, for 10,000 dollars, on account of his corps, for which he is to be accountable ; which sum is to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of November last :

That a warrant issue on the treasurer in favor of capt. Cosmo Medici, for 1500 dollars, in satisfaction of his account of expenses for himself and four troopers, escorting loan-office certificates to the southern states :

That a warrant issue on the treasurer in favor of Mr. J. Elmer, a delegate from the state of New-Jersey, for 200 dollars, advanced upon his application ; the said state to be accountable :

That a warrant issue on the treasurer in favor of Mr. N. Scudder, a delegate from the state of New-Jersey, for 500 dollars, advanced upon his application ; the said state to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the Rev. Mr. White, for his pay as chaplain to Congress, from October 1st, 1777, to October 1st, 1778, 720 dollars, and for his rations during the same time, 503 6-90 dollars, making in the whole, 1023 6-90 dollars :

That there is due to William Woodhouse, for stationary for the use of Congress, 105 60-90 dollars :

That there is due to George Bright, for superintending the making of paper for loan-office certificates, 25 days, 150 dollars :

That there is due to Robert Patton, his pay as messenger to Congress, from June 16th, to the 13th of October, 1778, inclusive, 240 dollars :

That there is due to sundry persons for articles for the public entertainment on the 4th of July last, 2835 60-90 dollars, of which the committee



appointed to conduct the said entertainment have received for articles sold, 289 15-90 dollars, which leaves a balance of 2546 54-90 dollars; to be paid to Mr. Matthews :

*Ordered*, That the said accounts be paid.

A letter, of this day, from the board of war, was read :

*Ordered*, To lie on the table.

*Resolved*, That on Friday next, Congress take into consideration the proceedings of the court-martial on the trial of major-general Lee, immediately after reading the public letters and taking order thereon, and that all the members in town be summoned to attend.

The committee to whom was referred a letter of September 25th, from P. Colt, esq. brought in a report; Whereupon,

*Ordered*, That a warrant issue on Nathaniel Appleton, esq. commissioner of the continental loan-office in the state of Massachusetts-Bay, for 70,000 dollars: another warrant on John Lawrence, esq. treasurer of the state of Connecticut, for 100,000 dollars, being part of the sum to be raised by the said state, for supplying the continental treasury: and one other warrant on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 20,000 dollars, in favor of Peter Colt, esq. late commissary general of purchases, who is to be accountable for the said sums, amounting to 190,000 dollars, and to be furnished with a copy of this order.

*Resolved*, That Mr. Colt be directed to transmit to the board of treasury the accounts of purchases made under the direction of William Buchanan, esq. late commissary-general of purchases, in order for settlement.

Whereas by a resolution of Congress of April 22d, 1777, it is provided, that the several commanding officers of parties, detachments or corps on their march to or from camp, shall send to the military hospitals such of the officers and soldiers as, from time to time, are unable to proceed, unless from the distance of the hospitals or other causes, it shall at any time be necessary to deliver them to the care of private physicians or surgeons, in which cases the deputy director-general shall discharge the reasonable demands of the physicians and surgeons conducting, agreeably to the said resolve.

And, whereas, no provision is therein made for discharging the accounts of other persons who have been or may be employed by proper officers for taking care of and providing for such officers and soldiers :

*Resolved*, That the deputy directors general respectively, be authorized and instructed to discharge such of the said accounts as shall appear to be reasonable and just, provided that each person who may hereafter be employed to provide for officers and soldiers as aforesaid, shall give the earliest notice thereof to the deputy director-general, or the physician or surgeon-general of the district, in order for the speedy removal to the military-hospitals.

*Resolved*, That lieutenant-colonel du Cambray be ordered to repair with all convenient expedition to the state of South-Carolina, for the purpose of putting the town and harbour of Charleston in the most respectable posture of defence, and to render such other service to the states of South-Carolina and Georgia, as shall be required of him by the commanding-officer of that department.

*Resolved*, That henceforward Congress sit but once a day: that they meet precisely at ten o'clock, and sit till three o'clock, P. M.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, October 21, 1778.

The committee to whom were referred the letters from David Franks, &c. brought in a report; Whereupon,

The letter from David Franks, esq. commissary of British prisoners, to

Moses Franks, esq. of London, enclosed, under cover to capt. Thomas Moore, of gen. Delancey's regiment, being read,

*Resolved*, That the contents of the said letter manifest a disposition and intentions inimical to the safety and liberty of the United States; and that Mr. Franks, having endeavored to transmit this letter by stealth within the British lines, has abused the confidence reposed in him by Congress, to exercise within the jurisdiction of these states the office of commissary to the British prisoners.

*Resolved*, That major-general Arnold be directed to cause the said David Franks forthwith to be arrested, and conveyed to the new gaol in this city, there to be confined till the further order of Congress.

*Resolved*, That David Franks, esq. be not, after the 10th day of November next, permitted to exercise, directly or indirectly, the office of commissary to the British prisoners within the jurisdiction of the United States.

*Resolved*, That general Washington be directed to transmit a copy of these resolutions to sir Henry Clinton, and inform him, that Congress desire he will nominate a proper person who, having received their approbation, may exercise the office of commissary to the British prisoners.

*Ordered*, That the committee sit again, and consider by what process it may be proper to take cognizance of Mr. D. Franks's offence.

*Ordered*, That 5000 dollars be advanced to Mr. President, for the purpose of paying expresses.

A letter, of the 19th, from Mr. J. Beatty, commissary of prisoners, enclosing a letter of the 14th, from Mr. Joshua Loring, of New-York, was read, desiring to know the pleasure of Congress, whether he shall comply with Mr. Loring's application, that lord Balcarras, and captain Strangeways, two officers of the convention troops, be permitted, on parole, to go and reside in England, in exchange for two American officers, who are to be suffered, on parole, to reside at their own homes: Whereupon,

*Resolved*, That the commissary-general of prisoners be informed, that Congress do not approve of partial and parole exchanges; but that they are willing to make a general exchange of officers, whether of the convention or otherwise, as far as numbers and ranks will apply.

A memorial from Mons. de Vrigny, was read, representing, that the time of his furlough from the court of France being expired, he is under the necessity of resigning his commission; Whereupon,

*Resolved*, That his resignation be accepted.

*Ordered*, That so much of the said memorial as relates to pay and rations due to Mons. de Vrigny, be referred to the board of treasury.

*Ordered*, That a copy of the said memorial be sent to gen. Washington, and that he be empowered and directed to give Mons. de Vrigny such certificate and testimonial as his zeal and services may have entitled him to.

A memorial from baron de Randerode de Thulier, a native of Lorain, accompanied with sundry papers, was laid before Congress, and read:

*Ordered*, That it be referred to the committee on the memorial from the marquis de Britigny.

A representation from the state of New-Jersey, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. G. Morris, Mr. Scudder, and Mr. Witherspoon.

*Resolved*, That a committee of three be appointed to prepare a plan for procuring reinforcements of men to supply the places of those whose times of service will expire in the winter: the members chosen, Mr. ~~Qu~~er, Mr. Sherman, and Mr. R. H. Lee.

*Resolved*, That gen. Washington be directed to inform Congress of the progress which has been made in re-inlisting the army in consequence of the resolution of the 8th of September last.

The committee to whom was referred the letter from major-general the marquis de la Fayette, brought in a report; Whereupon,

*Resolved*, That the marquis de la Fayette, major-general in the service of the United States, have leave to go to France; and that he return at such time as shall be most convenient to him.

*Resolved*, That the president write a letter to the marquis de la Fayette, returning him the thanks of Congress for that disinterested zeal which led him to America, and for the services he hath rendered to the United States by the exertion of his courage and abilities on many signal occasions.

*Resolved*, That the minister plenipotentiary of the United States of America at the court of Versailles, be directed to cause an elegant sword, with proper devices, to be made and presented, in the name of the United States, to the marquis de la Fayette.

The committee also reported the draught of a letter of recommendation of the marquis de la Fayette to his most Christian majesty the king of France, which was agreed to.

The same committee having been appointed to prepare a letter of credence, notifying to his most Christian majesty the appointment of Benjamin Franklin, esq. to be the minister plenipotentiary of these states at the court of France, and also the draught of instructions to the said minister, brought in a draught of the letter, which was agreed to.

They also brought in a draught of instructions, which were taken into consideration.

Adjourned to ten o'clock to-morrow.

#### THURSDAY, October 22, 1778.

*Ordered*, That major-general Arnold make immediate return to Congress of his proceedings in the execution of the order of Congress of yesterday, for the arrest and commitment of David Franks, esq.

A memorial from the regimental surgeons and surgeons' assistants of the army of the United States, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. Scudder, Mr. Holten, and Mr. Bartlett.

A memorial from captain John P. Shott, was read:

*Ordered*, That it be referred to the board of war.

On motion, *Resolved*, That gen. Washington be directed to order major-general Gates, forthwith to repair to Boston, to take command of the continental forces that are or may be in the eastern district, until the farther orders of Congress or general Washington.

According to order, major-general Arnold having made return of his proceedings in the execution of the order of yesterday, the same was read.

*Resolved*, That to the end the arrears due to the militia of Virginia that have been in continental service, called into such service by order of Congress or the commander in chief, may be speedily adjusted and paid, the governor and council of that state be requested to call upon the proper officers to produce authenticated abstracts, shewing the arrears due to such militia as have so served, and cause the same to be immediately paid by warrants from the governor on Benjamin Harrison, jun, esq. the deputy paymaster general in Virginia.

Congress resumed the consideration of the instructions to the minister plenipotentiary at the court of Versailles, which being amended were agreed to.

A letter, of the 13th, from major-gen. Heath, was read:

*Ordered*, That it be referred to the committee on the case of ensign Brown.

A letter, of the 18th, from gen. Washington, was read.

Whereas, upon the evacuation of this city by the British army, certain eizures were made of goods and effects, supposed to belong to the subjects

of Great Britain, and other goods were taken up under contracts entered into with the inhabitants of this city by the officers, in the departments of the quarter-master, clothier and commissary-generals, and a committee hath been appointed by Congress to examine into the conduct of the said officers in making the said seizures and contracts, that justice may be done to the public and individuals, but report hath not yet been made :

*Resolved*, That the board of war direct such of the said goods, whether seized or contracted for, as may be wanted for the immediate use of the army, especially for clothing to be appropriated for that purpose ; and that the board of war direct that proper accounts be kept of the goods so appropriated, the quantity and quality, and of whom seized, and with whom contracted for.

*Ordered*, That two members be added to the committee aforesaid, and that the said committee sit on the business, and report on Thursday next : the members chosen, Mr. M. Smith and Mr. Ellsworth.

Adjourned to ten o'clock to-morrow.

FRIDAY, October 23, 1778.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel " David Stephen, &c. versus schooner John and Sally," was lodged and referred to the committee on appeals.

A letter, of August 26th, from major-gen. R. Howe, was read, with sundry papers enclosed :

*Ordered*, That the same be referred to the board of war, and that they report their opinion thereon to the board of treasury.

A letter, of the 20th, from major-general lord Stirling, was read, informing that the enemy's fleet had sailed.

Sundry letters of the 19th and 21st, from brigadier count Pulaski, were read, enclosing the commission of de Breneville, a lieutenant in count Pulaski's legion :

*Ordered*, That the letters and papers be referred to the board of war.

A petition from Dominique L'Eclise, was read :

Whereupon, a report from the board of war, relative to the said Dominique L'Eclise, was taken up ; and thereupon,

*Ordered*, That the sum of 635 dollars be paid to Mons. L'Eclise, in satisfaction of his sufferings, and to enable him to pay moneys lent him for his support, by sundry gentlemen, friends to these states.

*Resolved*, That the sum of 60 dollars per month, for pay and subsistence, and one ration a day, be allowed to Mons. L'Eclise, during the pleasure of Congress, and that he be directed to reside for the present in the northern department, to be employed in such way as the commander in chief, or the commander of the northern department, shall deem serviceable to the United States :

That a copy of the foregoing resolution be sent to the commander in chief, to whom Mons. L'Eclise shall give notice of the particular place of his abode.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of major-general Lincoln, for 3000 dollars, to bear the expenses of himself and suite to South-Carolina ; he to be accountable.

The committee of commerce, to whom was referred a charter-party, with several other papers relative to an agreement entered into between Scott, Irvine, and Cooper, owners of the brig Commerce, on the one part, and Hewes and Smith, agents in behalf of the secret committee, on the other part, report,

That it appears the said agents, in behalf of the secret committee, contracted to lade the said brigantine for some port or ports in Europe, and to pay for her here at the rate of 500 dollars per month : that the said brig-

tine was valued at 7000 dollars, which sum the said agents insured to the said owners, and agreed to pay them over and above the monthly hire, if it should happen that the said brigantine should be seized, taken, sunk, or otherwise destroyed, by the enemies of the United States: that the said brigantine was laden with tobacco, and other articles of merchandise on account of the United States, and arrived safe with her cargo in the port of Nantes, in France: that she sailed from thence on or about the 7th day of September, 1777, with a cargo of salt, on account of the United States, and proceeded on her voyage until she arrived on the coast of North-Carolina: that she met with several storms, by which she was greatly damaged in her masts, yards, sails, and rigging: that the people on board were in distress for want of provisions and water; all which induced the captain of her to put into the island of Bermuda: that she arrived at Somerset, in the said island, on the 4th day of December, 1777, when the captain applied to Henry Tucker, esq. who advised him to unload the said brigantine and strip her of all her sails, rigging, cables, and other materials: that he unladed and stript her accordingly, and put every thing into the hands of the said Mr. Tucker: that it appears that the hull of the said brig was seized and taken by the enemies of the United States, and fitted out, in order to carry to Great-Britain part of the cargo and crew of a ship that had been cast away on Bermuda, in her passage from Jamaica to London: that it further appears, that Hewes and Smith, agents as aforesaid, are bound by the said charter-party to pay to the owners of the said brigantine the amount of the said valuation, and the monthly hire, until the day the said brigantine was so seized and taken; and that the account of the said valuation and hire, exclusive of the said brig's disbursements in France, amount to 10,534 15-90 dollars: Whereupon,

*Ordered*, That the sum of 10,534 15-90 dollars be paid to Messrs. Hewes & Smith, agents as aforesaid, to pay the amount of the valuation and monthly hire of the brigantine Commerce, exclusive of her disbursements in France, agreeably to the charter-party entered into by them with the owners of the said brigantine; the said Hewes & Smith to be accountable.

*Ordered*, That the remainder of the report be referred to a committee of three: the members chosen, Mr. R. Morris, Mr. Drayton, and Mr. Duer.

According to order, Congress took into consideration the proceedings and sentence of the court-martial on the trial of major-gen. Lee, and after debate,

*Ordered*, That the farther consideration thereof be postponed to Wednesday next.

Adjourned to ten o'clock to-morrow.

#### SATURDAY, October 24, 1778.

A letter, of the 22d, from Mons. de Vrigny, was read.

A memorial from Messrs. Penet and Coulou, was read:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. R. Morris, Mr. R. H. Lee, and Mr. Sherman.

A report from the board of war, respecting col. G. Morgan, was read:

*Ordered*, That it be referred to the board of treasury.

The committee on the memorial from Griffin Greene & Co. brought in a report, which was read:

*Ordered*, That it be re-committed, and that the committee confer with Mr. Wadsworth, and report generally.

*Ordered*, That Mr. R. Morris be added to the committee.

A letter, of this day, from the commissioners of claims, at the board of treasury, was read: Whereupon,

*Resolved*, That the board of treasury be empowered to hire a good and trusty clerk for the commissioners of claims, and that the foregoing letter be referred to the said board.



Some further instructions to the minister plenipotentiary at the court of France were taken into consideration, and after debate,

**Ordered,** That the same be re-committed, and that Mr. Duer be added to the committee.

Adjourned to ten o'clock on Monday.

**MONDAY, October 26, 1778.**

**Ordered,** That the committee of foreign affairs prepare an answer to the letter from the governor of Havanna.

A letter from Mons. de Vrigny was read :

**Ordered,** That it be referred to the board of treasury.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "Yelverton Taylor, &c. versus sloop Lark," was lodged and referred to the committee on appeals.

A letter of the 24th, from count Pulaski, was read : Whereupon,

**Resolved,** That count Pulaski's legion and all the cavalry at or near Trenton, be ordered, forthwith, to repair to Sussex court-house, there to wait the order of gen. Washington ; and that the president write a letter to the general, informing him of this resolution, and pointing out the necessity of ordering the cavalry to some place or places, where they may be easily supplied with forage.

**Ordered,** That so much of count Pulaski's letter as relates to blankets, be referred to the board of war.

A letter, of the 21st, from major-general lord Stirling, was read, enclosing a letter to him from Dr. Griffith, with sundry affidavits relative to the massacre of col. Baylor's regiment, on the 27th of September last :

**Ordered,** That so much of the said letter as relates to the massacre, be referred to the committee of intelligence.

A letter, of the 22d, from gov. Livingston, on the same subject, was read.

A letter, of the 16th, from gov. Trumbull, and one, of the 15th, from Gossinus Erkelins, with a paper enclosed, were read :

**Ordered,** That they be referred to the committee on finance.

A letter, of the 15th, from Joshua Huntington, and one from Christopher Hele, were read :

**Ordered,** That they be referred to the marine committee.

A memorial from Robert Jewell, was read :

**Ordered,** That it be referred to the board of war.

A letter, of the 18th, from major-general Sullivan, was read :

**Ordered,** That it be referred to the board of treasury :

A letter, of the 25th, from Mons. Bedaulx, was read :

**Ordered,** That it be referred to a committee of three : the members chosen, Mr. G. Morris, Mr. Drayton, and Mr. Scudder.

The committee on the treasury brought in a report ; Whereupon,

**Ordered,** That a warrant issue on William Pyncheon, esq. treasurer of the county of Hampshire, in the state of Massachusetts, in favor of Jeremiah Wadsworth, esq. commissary-general of purchases, for 400 dollars, which the general sessions of the peace of the said county, ordered to be paid by Malcolm Henry, in consequence of his having been convicted of stealing lead to the value of £ 40, the property of the United States ; the said commissary-general to be accountable.

**Ordered,** That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in Pennsylvania, for 35,000 dollars ; and another warrant on the treasurer, for 25,000 dollars, in favor of col. G. Morgan, for the purchase of cattle made by his direction for the troops of the western frontier ; he to be accountable for the sums aforesaid.

**Resolved,** That a committee of three be appointed to superintend the pub-



lication of such matters relating to the disputes, petitions, and negotiations to and with the court of Great-Britain, and such notes and explanations thereon as to them shall appear proper; and that they agree with the printer for 1300 copies of such publication, on account of Congress: the members chosen, Mr. G. Morris, Mr. Drayton, and Mr. R. H. Lee.

The committee having again brought in a draught of further instructions to the minister plenipotentiary of the United States at the court of France, the same were agreed to.

*Ordered*, That Mr. Bartlett be added to the medical committee:

That Mr. M. Smith be added to the committee of commerce:

That Mr. Ellsworth be added to the committee of appeals.

Whereas great public injury arises from the present purchases of wheat in the forage department:

*Resolved*, That, for the future, no wheat be purchased for forage by any person, for the use of the United States, unless Congress shall order otherwise.

An appeal from the judgment of a court of admiralty for the state of Rhode-Island, on the libel "Jonathan Tredwell, &c. versus schooner Hawke," was lodged and referred to the committee on appeals.

The committee to whom was referred the memorial of Griffin Greene, brought in a report; Whereupon,

*Resolved*, That whenever it may be necessary to employ merchant vessels on account of these United States, the same ought to be chartered rather than purchased; and that the commissary-general, agent or contractor, on behalf of these United States, if he shall, at any time, find it expedient to take into the service of government vessels to be employed as transports on the high seas, and such vessels cannot be obtained without insurance on the part of government, shall cause the value thereof to be ascertained by three reputable men, having knowledge in such business, on oath and under their hands and seals; which said valuation shall be inserted in the charter party, and any loss that may arise to the owner or owners, by means of the enemy, shall be paid according to the common course of insurance.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "Samuel Ingersol, &c. versus schooner Lovely Nancy," was lodged and referred to the committee on appeals.

Adjourned to ten o'clock to-morrow.

## TUESDAY, October 27, 1778.

A letter, of the 26th, from count Pulaski, was read:

*Ordered*, To lie on the table.

A letter, of the 13th, from major-general Gates, at Danbury, was read, with sundry papers enclosed; Whereupon,

*Ordered*, That general Gates be furnished with a copy of the resolution respecting lord Balcarras.

Information being given to Congress that there is reason to believe indulgence of paroles have been granted to the prisoners of the convention of Saratoga, in consideration of money paid and received for the same:

*Ordered*, That the president write to the council of Massachusetts-Bay, and request them to enquire into this matter:

That a committee of four be appointed to investigate the truth of the information: the members chosen, Mr. S. Adams, Mr. Scudder, Mr. Sherman, and Mr. Marchant.

A letter, of the 11th, from Mr. D. Waterbury, was read:

*Ordered*, That it be referred to the marine committee.

A commission, under the hand and seal of the hon. sieur Gerard, minister plenipotentiary and consul-general of France, appointing Mous. d'Anemours consul of France in the state of Maryland, was laid before Congress:

*Ordered*, That the same be referred to the marine committee, and that they take the proper measures to notify the same to the state of Maryland.

A letter, of the 26th, from major-general the marquis de la Fayette, was read, mentioning the request of Mons. le Vienne for leave to go to France, and to have a commission in lieu of the brevet already granted him.

Another letter, of the 26th, from the marquis de la Fayette, was read, taking leave of Congress, and also another letter, without date, from the marquis, was read :

*Ordered*, That this last be referred to the committee lately appointed to prepare instructions to the minister plenipotentiary of these states at the court of France.

A letter, of the 26th, from R. Peters, a member of the board of war, was read :

*Ordered*, That it be referred to the committee on the clothier-general's department.

A letter, of the 20th, from capt. Stoddard, was read ; Whereupon,

*Resolved*, That the sum of 500 dollars be allowed to the field officers, captains and subalterns, chaplain and surgeon of the light dragoons respectively, in the service of the United States, to compensate the extraordinary expenses of his horse and equipment, beyond that of officers of the like rank in the infantry ; provided always, that any officer receiving such sum shall be liable to refund the same if he leaves the service during the present war.

A motion being made respecting the officers of colonel Seth Warner's regiment ;

*Ordered*, That it be referred to a committee of three, and that they write to the pay-master general on the subject : the members chosen, Mr. Sherman, Mr. M. Smith, and Mr. G. Morris.

*Resolved*, That major-general lord Stirling be, and he is hereby, directed to permit col. Beniah Norton, of Martha's Vineyard, in the state of Massachusetts-Bay, to go into New-York, and that a flag be furnished him for that purpose ; and that he be permitted to return when he shall have concluded his business.

The committee of commerce brought in a report ; Whereupon,

*Resolved*, That tobacco, the property of the United States, be shipped for the payment of the debts and contracts of the said states :

That the agents in North-Carolina and elsewhere, adjust and settle the accounts of their transactions, and that the committee of commerce take proper measures to effect the purposes aforesaid :

That the committee of commerce be directed to take care of the commercial concerns of the United States ; and that they be empowered to take such steps for that purpose as they shall deem necessary.

The committee appointed to prepare an answer to the governor of Havana, brought in a draught, which was read and agreed to.

A letter from the marquis de la Fayette, was read, giving an account of the brave conduct of Mons. Tousard, captain in the regiment of artillery of la Fer, in taking possession of a piece of artillery from the enemy, in which action he lost his right arm by the discharge of another piece ; Whereupon,

*Resolved*, That the gallantry of Mons. Tousard in the late action on Rhode-Island, is deserving of the highest applause ; and that Congress, in consideration of his zeal and misfortune, do promote the said Mons. Tousard to the rank of lieutenant-colonel in the service of the United States, by brevet, and that he do receive a pension of 30 dollars per month, out of the treasury of the United States of America, during his life.

Whereas, Messrs. Gimat, de Noirmont, Capitaine, and la Columbe, have been put to great expense in the service of the United States, without having received any money from the commissioners :

*Resolved*, That the committee appointed to prepare instructions to the minister plenipotentiary of the United States at the court of France, be appointed to confer with the said persons upon the expenses they have incurred, and report thereon.

*Resolved*, That Mr. Brice and Mr. Neville, aids-de-camp to the marquis de la Fayette, be promoted to the rank of lieutenant-colonels in the service of the United States, by brevet.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, October 28, 1778.

A letter, of August 17th, from T. B. Girardeau, was read, informing, that, on account of his ill state of health, he has been obliged to resign his commission of deputy commissary-general of issues in South-Carolina and Georgia, to major-general Howe, who has appointed Mr. Mordecai Shetfall to act as deputy commissary-gen. of issues in his stead, till the pleasure of Congress shall be known; also, a letter of August 19th, from Mordecai Shetfall, and one of August 25th, from G. Walton, esq. were read; Whereupon,

*Resolved*, That the resignation of Mr. T. B. Girardeau be accepted; and that the consideration of confirming the appointment of Mr. Shetfall be postponed:

That so much of Mr. Shetfall's letter as relates to petitions be referred to the board of war.

A letter, of this day, from D. Franks, was read:

*Ordered*, That it be referred to the committee appointed to consider by what process it may be proper to take cognizance of D. Franks's offence.

A letter, of the 20th, from W. Palfrey, pay-master general, was read:

*Ordered*, That it be referred to the board of treasury.

A letter, of the 27th, from lieutenant Gerard, was read:

*Ordered*, To lie on the table.

A letter, of the 22d, from gen. Washington, was read, enclosing an extract of a letter from brigadier Hand, and a journal of lieutenant-colonel Butler's expedition to Unandilla and Oneaquaga:

*Ordered*, That the extract of brigadier Hand's letter, with so much of the general's letter as relates thereto, be referred to a committee of three, who are directed to take into consideration the case of the settlers at Wyoming: the members chosen, Mr. M. Smith, Mr. Scudder, and Mr. Duer:

That the journal of colonel Butler be referred to the committee of intelligence.

The committee on the treasury, to whom were referred the letters from lieutenant-colonel Vrigny, report,

That they have taken into consideration the claim of lieutenant-colonel Vrigny, and are of opinion, that no pay ought to be allowed to lieut. col. Vrigny from the 1st day of June, 1777, to the end of January, 1778, during which time he served as a volunteer; that he be referred to the pay-master general, who is directed to see that the balance due to him for his pay and subsistence from the 1st day of February, be adjusted and discharged:

*Resolved*, That Congress agree to the said report.

The committee on the treasury brought in a farther report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of major-general Arnold, for 8000 dollars, in consequence of his letter to the auditor-general, representing this sum due to him on account; he to be accountable:

That a warrant issue on the treasurer in favor of Philip Minis, for 6919½ dollars, it being so much advanced by him to the late Mr. Kennon, deceased, acting pay-master and commissary to the Virginia and North-Carolina troops in the state of Georgia, as appears by certificates of the said pay-master and major-general Howe, then commanding officer in the southern department

and that the account of the said William Kennon, deceased, be charged with the sum aforesaid :

That a warrant issue on the treasurer in favor of Mons. Florean Charles Mey, for 10,778 dollars, to answer a draught of major-general R. Howe, of the 26th of August last, on the president of Congress, in favor of Mons. John Peare, for sundry military stores purchased of him to this amount by general Howe, for continental service in the state of Georgia; and that a copy of the said account be entered and filed in the war office :

That a warrant issue on the treasurer in favor of the committee appointed to superintend the publication of matters relating to the disputes, petitions and negotiations to and with the court of Great-Britain, for the sum of 1200 dollars, to enable them to proceed in the business : the said committee to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to captain-lieutenant Jonathan Brewer, of the Pennsylvania regiment of artillery, commanded by col. Proctor, for his pay and rations or subsistence from the 1st of September, 1777, to the 30th of September, 1778, most of which time he was a prisoner with the enemy, a balance of 615 7-90 dollars :

That there is due to the estate of Robert Ritchie, deceased, for his pay as one of the commissioners of claims, from the 12th of April to the 12th of September, 1778, 616 dollars :

That there is due to David Tew, for engraving three copperplates for bills of exchange, 160 dollars, and for repairing two of the same, 53 30-90 dollars, making in the whole, 213 50-90 dollars :

*Ordered*, That the said accounts be paid.

Congress resumed the consideration of the report of the committee on finance, and some time being spent thereon,

Adjourned to ten o'clock to-morrow.

#### THURSDAY, October 29, 1778.

The committee to whom was referred the letter of the 18th, from D. Franks, brought in a report ; Whereupon,

*Ordered*, That D. Franks, esq. be furnished with a copy of his letter of the 18th, to his brother Moses Franks.

*Resolved*, That the board of war shall consist of three commissioners, who are not members of Congress; and two members of Congress; and three or more of them, who shall be present, shall constitute a board.

A motion being made and seconded, and called for in writing; after being reduced to writing, and before it was read from the chair, an objection was made against taking it into consideration, as being contrary to the order, assigning Tuesdays, Thursdays and Saturdays to the business of finance :

On the question, that the motion can be admitted ;

The yeas and nays being required by Mr. G. Morris,

<i>New-Hampshire</i> , Mr. Bartlett,	no	no	<i>N.-Carolina</i> ,	Mr. Penn,	no
<i>Maine's-Bay</i> , Mr. S. Adams,	ay			Harnett,	no
Gerry,	no	} <i>div.</i>		Williams,	no
Lovell,	no		<i>S.-Carolina</i> ,	Mr. Laurens, as president,	} desired to be excused, the house having undertaken to determine the question of order.
Holten,	ay			Drayton,	no
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay		Hutson,	no
<i>Connecticut</i> , Mr. Sherman,	ay	} <i>div.</i>		Mr. Telfair,	no
Ellsworth,	no		<i>Georgia</i> ,	Langworthy,	no
<i>New-York</i> , Mr. Duer,	no	no			
G. Morris,	no	no			
<i>Pennsylvania</i> , Mr. Roberdeau,	no	no			
Clingan,	no	no			
<i>Virginia</i> , Mr. R. H. Lee,	no	*			

So it passed in the negative.

*Resolved*, That whenever a person is nominated to any office, his name, together with that of the person nominating him, be entered on the minutes.

A motion was made, that, upon an election, an entry be made of the states that shall respectively ballot for any person so nominated :

*Resolved*, That the consideration thereof be postponed till to-morrow.

Congress proceeded to fix the salaries of the officers in the treasury-office : and thereupon,

*Resolved*, That the salary of the comptroller be 4000 dollars per annum :

That the salary of the treasurer be 4000 dollars per annum :

That the salary of the auditor be 3500 dollars per annum :

That the salary of each of the commissioners of accounts be 3000 dollars per annum.

Adjourned to ten o'clock to-morrow.

#### FRIDAY, October 30, 1778.

A letter, of the 22d, from brigadier Stark, was read.

A letter from the chevalier de Maduit du Plessis, lieutenant-colonel of artillery ; also a letter of the 14th, from major-general baron de Kalb, and one of the 21st, from gen. Washington, with a recommendation of the chevalier, were read :

*Ordered*, That they be referred to a committee of three : the members chosen, Mr. S. Adams, Mr. G. Morris and Mr. Drayton.

*Ordered*, That the letter of the 27th, from the marquis de la Fayette, be referred to the said committee.

The committee on the treasury laid before Congress a letter from the commissioners of accounts in the northern department, which was read :

*Ordered*, To lie on the table.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. James Lovell, a delegate from the state of Massachusetts-Bay, for 1500 dollars, advanced upon his application, and to be charged to the said state :

That a warrant issue on the treasurer in favor of the pay-master of the board of war and ordnance, for 500,000 dollars, to be by him transmitted to William Palfrey, esq. pay-master general, for the use of his department ; who is to be accountable :

That a warrant issue on the treasurer in favor of the hon. Henry Laurens, for 3500 dollars, to answer three sets of exchange, viz. No. 3, for 2000 dollars, No. 13, for 1000, and No. 29, for 500 dollars : drawn by William Kennon, deceased, in favor of David Flower, and bearing date the 14th of April 1777 ; and that the same be charged to the said William Kennon, deceased :

That a warrant issue on the treasurer in favor of Mr. C. Harnett, for 3500 dollars, to answer five sets of exchange, No. 25 and 26, for 1000 dollars each, No. 33, 34, 35, for 500 dollars each ; drawn by the late William Kennon, deceased, in favor of David Flower, and bearing date the 14th of April 1777 ; and that the said sum of 3,500 dollars be charged to the account of the said W. Kennon, deceased.

That a warrant issue on the treasurer in favor of Samuel Hillegas, for 160 dollars, in full for his signing loan-office certificates.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of col. L. Nicola's regiment of invalids, for rations and parts of rations retained from their first establishment to the 31st of May, 1778, a balance of 688 50-90 dollars, as more fully appears by a particular state filed with his account :

That there is due to the following gentlemen, to, at, and from camp, when sent as a committee of Congress in the past summer, viz.



To Mr. J. Reed, including the expenses of entertaining some officers, 201 12-90 dollars; to Mr. J. Banister, 148 72-90 dollars; to Mr. R. Sherman, 101 30-90 dollars; making in the whole, 451 24-90 dollars:

That there is due to Francis Hopkinson, esq. his pay as treasurer of loans, from July 27th to September 26th, 1778, inclusive, 500 dollars:

That there is due to Patrick M'Closky, for his pay as express rider, from January 1st to October 31st, 1777, a balance of 418 dollars.

*Ordered*, That the said accounts be paid.

A letter, of the 24th, from Nicholas Depui, John Chambers, Benjamin Van Camp, and others, directed to his honor George Bryan, esq. was laid before Congress, and read, together with two affidavits therein enclosed:

*Ordered*, That the same be referred to gen. Washington, who is directed to take order thereon.

*By the Congress of the United States of America.*

#### A MANIFESTO.

The United States having been driven to hostilities by the oppressive and tyrannous measures of Great-Britain; having been compelled to commit the essential rights of man to the decision of arms; and having been at length forced to shake off a yoke which had grown too burthensome to bear; they declared themselves free and independent.

Confiding in the justice of their cause; confiding in Him, who disposes of human events; although weak and unprovided, they set the power of their enemies at defiance.

In this confidence they have continued through the various fortunes of three bloody campaigns, unawed by the power, unsubdued by the barbarity of their foes. Their virtuous citizens have borne, without repining, the loss of many things which make life desirable. Their brave troops have patiently endured the hardships and dangers of a situation fruitful in both, beyond former example.

The Congress considering themselves bound to love their enemies, as children of that Being who is equally the Father of All; and desirous, since they could not prevent, at least to alleviate the calamities of war, have studied to spare those who were in arms against them, and to lighten the chains of captivity.

The conduct of those serving under the king of Great-Britain hath, with some few exceptions, been diametrically opposite. They have laid waste the open country, burned the defenceless villages, and butchered the citizens of America.

Their prisons have been the slaughter-houses of her soldiers, their ships of her seamen; and the severest injuries have been aggravated by the grossest insults.

Foiled in their vain attempts to subjugate the unconquerable spirit of freedom, they have meanly assailed the representatives of America with bribes, with deceit, and the servility of adulation. They have made a mock of religion by impious appeals to God, whilst in the violation of his sacred command. They have made a mock even of reason itself, by endeavoring to prove that the liberty and happiness of America could safely be entrusted to those who have sold their own, unawed by the sense of virtue or of shame.

Treated with the contempt which such conduct deserved, they have applied to individuals. They have solicited them to break the bonds of allegiance, and imbue their souls with the blackest crimes. But fearing that none could be found through these United States equal to the wickedness of their purpose, to influence weak minds they have threatened more wide devastation.

While the shadow of hope remained that our enemies could be taught by



our example, to respect those laws which are held sacred among civilized nations, and to comply with the dictates of a religion which they pretend in common with us to believe and revere, they have been left to the influence of that religion and that example. But since their incorrigible dispositions cannot be touched by kindness and compassion, it becomes our duty by other means to vindicate the rights of humanity.

We, therefore, the Congress of the United States of America, do solemnly declare and proclaim, that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance, as shall deter others from a like conduct. We appeal to that God who searcheth the hearts of men, for the rectitude of our intentions : and in his holy presence declare, that as we are not moved by any light and hasty suggestions of anger or revenge, so, through every possible change of fortune, we will adhere to this our determination.

Done in Congress, by unanimous consent, the 30th day of October, one thousand seven hundred and seventy-eight.

Attest. C. T. *Secretary.*

H. L. *President.*

A letter, of this day, from major-general Lee, was read.

Adjourned to ten o'clock to-morrow.

#### SATURDAY, October 31, 1778.

A member having informed the house, that he had received intelligence of frauds and abuses said to be practised by certain individuals in the quartermaster general's department,

*Ordered,* That a committee of three be appointed to make strict enquiry into the same, and to report specially to Congress : and that the member be directed to lay before the said committee the particulars of the information he has received : the members chosen, Mr. S. Adams, Mr. Scudder, and Mr. Sherman.

The board of war, to whom were referred sundry letters from New-Orleans, brought in a report : Whereupon,

*Ordered,* That the said letters be referred to the committee of commerce.

A letter, of the 26th, from Adam Ferguson, secretary to the commissioners from the king of Great-Britain, and a letter of August 12th, from the hon. J. Adams, were read :

*Ordered,* That they be referred to the committee of intelligence.

A letter, of the 21st, from major-general Heath, was read :

*Ordered,* That it be referred to the board of war, and that the board forthwith make a return of the officers of the convention of Saratoga that have been exchanged, and for whom.

A letter, of the 24th, from general Washington, was read, with a paper enclosed :

*Ordered,* That it be referred to the committee appointed to prepare a plan for procuring reinforcements : that Mr. G. Morris be added to that committee.

A letter, of the 26th, from gen. Washington, was read, with a report enclosed of gov. Clinton, gen. Schuyler, and brigadier Hand, on the subject of an enterprize against Chemung : Whereupon,

*Resolved,* That Congress approve the reasons for not undertaking for the present an expedition against that place.

The committee on the treasury brought in a report : Whereupon,

*Ordered,* That a warrant issue on the treasurer in favor of the marine committee, on their application, for 150,000 dollars, to be by them transmitted to the navy-board for the eastern district, for the use of their department ; the marine committee to be accountable.

The marine committee brought in a report : Whereupon,

*Resolved,* That the commissioners of the navy-boards in the eastern and

middle departments be allowed a salary of 3000 dollars per annum each, in consideration of the extensive business of their departments.

Congress proceeded to the election of a commissioner for the board of war and ordnance, and the ballots being taken, col. R. H. Harrison was elected, having been previously nominated by Mr. Duer.

*Resolved*, That the salary of the secretary of the board of war and ordnance be 2000 dollars per annum.

*Ordered*, That Monday next be assigned for electing a secretary for the board of war and ordnance.

The delegates from New-Hampshire laid before Congress the credentials of their appointment, which were read as follows :

“STATE OF NEW-HAMPSHIRE,

“ *In the House of Representatives, August 19, 1778.*

“ *Resolved*, and voted, that the hon. Josiah Bartlett, John Wentworth, jun. William Whipple, and George Frost, esqrs. be and hereby are chosen and appointed delegates to represent this state in the Continental Congress, to be holden for the United States of America, in November next, and that any two of them have full power to represent this state in the said Congress for one year, from the 1st of November next, unless sooner recalled, or superseded by order of the general assembly of this state.

“ Sent up for concurrence,

“ JOHN DUDLEY, *Speaker pro. tem.*

“ *In Council*, the same day, read and concurred,

“ E. THOMSON, *Secretary.*

“ Copy examined by

“ E. THOMSON, *Secretary.*”

*Ordered*, That Mr. Bartlett have leave of absence.

*Ordered*, That Mr. R. H. Lee, have leave of absence,

*Ordered*, That the memorial of capt. Harper and the papers relative thereto, be delivered to Mr. R. H. Lee.

Adjourned to ten o'clock on Monday.

MONDAY, November 2, 1778.

A letter, of October 27th, from brigadier count Pulaski, was read :

*Ordered*, That it be referred to the board of war.

A letter, of this day, from Christopher Hele, was read.

A letter of October 30th, from William Killen, chief justice of the state of Delaware, was read, with sundry affidavits enclosed :

*Ordered*, That the same be referred to the committee appointed to enquire into the abuses in the quarter-master general's department.

A letter, of the 1st, from the council of New-Jersey, was read :

*Ordered*, That a copy thereof be sent to gen. Washington, and that he be directed to take order thereon.

A letter, of October 27th, from gov. Johnson, was read, enclosing one of July 16th, to him from the hon. A. Lee, at Paris :

*Ordered*, That the same be referred to a committee of three, who are directed to confer thereon with the hon. sieur Gerard, minister plenipotentiary of France : the members chosen, Mr. G. Morris, Mr. Drayton, and Mr. S. Adams.

A letter, of October 27th, from Mr. President Rodney, of Delaware, and one of the 29th of the same month, from Mr. J. M'Kinley, with sundry papers enclosed, were read.

A letter, of September 22d, from major-general R. Howe, was read :

*Ordered*, That it be referred to the committee appointed to prepare a plan for procuring reinforcements.

Another letter, of September 22d, from major-general Howe, was read :

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. Duer, Mr. Drayton, and Mr. Telfair.

A letter, of August 1st, from col. Malcolm, was read :

*Resolved*, That a chaplain be appointed to the garrisons in the posts on Hudson's river, in the Highlands, and that he be entitled to the same pay and subsistence as a brigade chaplain :

Congress proceeded to the election, and the ballots being taken, the Rev. Mr. John Mason was appointed chaplain to the garrisons in the said posts :

The committee to whom were referred the letter of October 8th, from gov. Trumbull, and the memorial of William Hoskins, brought in a report :

*Ordered*, That the consideration thereof be postponed to Wednesday next.

A memorial from lieutenant-colonel Oswald, was read, requesting leave to resign his commission as lieutenant-colonel in the corps of artillery ; Whereupon, it was moved,

That the memorial of lieutenant-colonel Oswald be referred to the committee of arrangement, and that gen. Washington be directed to transmit to the said committee the principles upon which was grounded the determination of the board of general officers, convened to adjust the relative rank betwixt col. Lamb and col. Harrison, and lieutenant-colonel Oswald and lieutenant-colonel Carrington, together with a state of the claims of the respective officers above-mentioned ; and that the committee report to Congress on the premises as soon as possible :

That the president be directed to inform lieutenant-colonel Oswald, that Congress, having ordered an enquiry to be made into the principles upon which the board of general officers settled the relative rank betwixt himself and lieutenant-colonel Carrington, they cannot for the present accept his resignation.

The previous question being moved,

And the yeas and nays thereon required by Mr. Duer,

<i>Massa's-Bay,</i>	Mr. S. Adams,	ay	} ay	<i>Maryland,</i>	Mr. Henry,	ay	} *		
	Gerry,	ay		<i>Virginia,</i>	Mr. M. Smith,	ay		} *	
	Lovell,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay			} ay
	Holten,	ay			Harnett,	ay			
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no	Williams,	ay	} ay			
<i>Connecticut,</i>	Mr. Sherman,	ay		<i>S.-Carolina,</i>	Mr. Laurens,		ay	} ay	
	Ellsworth,	ay			Drayton,		ay		} ay
<i>New-York,</i>	Mr. Duer,	no		} div.	Hutson,		ay		
	G. Morris,	ay	<i>Georgia,</i>		Mr. Telfair,	ay	} div.		
<i>New-Jersey,</i>	Mr. Witherspoon,	ay			Langworthy,	no		} div.	
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay							} div.
	Clingan,	ay				} div.			
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So the main question was set aside.

A motion was then made,

That the memorial be referred to gen. Washington, and that he be directed to report his opinion thereon, together with the grounds on which the board of general officers determined the relative rank of the memorialist and lieutenant-colonel Carrington, and the difference between the cases of colonels Lamb and Harrison, and of lieutenant-colonels Carrington and Oswald :

To which the previous question was moved,

And the yeas and nays being required by Mr. Duer,

<i>Massa's-Bay,</i>	Mr. Gerry,	no	} ay	<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay
	Lovell,	ay		<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	
	Holten,	ay			Clingan,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no	<i>Maryland,</i>	Mr. Henry,	ay	} *
<i>Connecticut,</i>	Mr. Sherman,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Ellsworth,	ay			Harnett,	no	
<i>New-York,</i>	Mr. Duer,	no	} div.		Williams,	no	} no
	G. Morris,	ay					

<i>S.-Carolina,</i>	Mr. Laurens,	no	} ay	<i>Georgia,</i>	Mr. Telfair,	no	} no
	Drayton,	ay			Langworthy,	no	
	Hutson,	ay					

So the main question was set aside.

A motion was then made, that the resignation of lieutenant-colonel Car-  
rington be accepted :

At the desire of South-Carolina, the determination of that question was  
postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

### TUESDAY, November 3, 1778.

Mr. Collins, a delegate from Rhode-Island, attended, and took his seat in  
Congress :

A letter, of October 24th, from governor Trumbull, was read, advising,  
that he has drawn on the president of Congress for 50,000 dollars, and en-  
closing the bill :

*Ordered,* That it be referred to the board of treasury.

A memorial from colonel Gridley, was read :

*Ordered,* That it be referred to a committee of three : the members cho-  
sen, Mr. Scudder, Mr. Collins and Mr. Holten.

A letter from the board of war, enclosing a list of officers exchanged, was  
read.

A letter, of August 1st, from Abraham Livingston, continental agent in  
South-Carolina, was read, requesting leave of absence, for reasons therein  
set forth :

*Resolved,* That Mr. A. Livingston have leave of absence.

*Ordered,* That the letter be referred to the marine committee.

An extract from the journals of the general assembly of South-Carolina  
was laid before Congress, and read :

*Ordered,* That it be referred to the committee on the letter of September  
22d, from major-general Howe, and that the committee report to-morrow.

The committee on the treasury brought in a report ; Whereupon,

*Ordered,* That a warrant issue on the treasurer in favor of the marine  
committee, for 5000 dollars advanced upon their application the 29th of Oc-  
tober for contingent expenses ; the said committee to be accountable.

A motion was made, that the resolution fixing the salary of the auditor-  
general at 3500 dollars per annum, be re-considered, and that the salary of  
the auditor-general be fixed at 4000 dollars per annum :

On which the yeas and nays being required by Mr. Marchant,

<i>Mass'-ette-Bay,</i>	Mr. Gerry,	ay	} no	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay	
	Lovell,	no			<i>Maryland,</i>	Mr. Henry,		ay
	Holten,	no			<i>Virginia,</i>	Mr. M. Smith,		ay
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no	<i>North-Carolina,</i>	Mr. Penn,	ay	} ay	
<i>Connecticut,</i>	Mr. Sherman,	no				Harnett,		ay
	Ellsworth,	no				Williams,		ay
<i>New-York,</i>	Mr. Duer,	ay	} ay	<i>South-Carolina,</i>	Mr. Laurens,	no	} ay	
	G. Morris,	ay				Matthews,		ay
<i>New-Jersey,</i>	Mr. Scudder,	no				Hutson,		ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	no	} no	<i>Georgia,</i>	Mr. Telfair,	ay	} ay	
	Clingan,	no				Langworthy,		ay

So the states were equally divided, and the question lost.

A motion was then made to re-consider the resolution for settling the salary  
of the comptroller : Question put, passed in the negative.

Congress proceeded to the election of officers for the treasury, and, the  
ballots being taken, Jonathan Trumbull, jun. was elected comptroller, having  
been previously nominated by Mr. Gerry : John Gibson was elected auditor,  
having been previously nominated by Mr. Sherman : Michael Hillegas was  
elected treasurer, having been previously nominated by Mr. S. Adams :

James Milligan,  
William Govett,  
Resolve Smith,  
Peter Philips,  
James Wells,  
William Geddes,

Commissioners of the chambers of accounts,  
having been previously nominated by

Mr. Marchant,  
Mr. Gerry,  
Mr. G. Morris,  
Mr. Marchant,  
Mr. Duer,  
Mr. M'Kean.

The committee to whom were referred the letter of October 27th, from the marquis de la Fayette, and the letter of the chevalier Maduit du Plessis, with the papers relating thereto, brought in a report:

On the question to agree to the first resolution, viz.

That a brevet commission of colonel of artillery be granted to the chevalier Maduit du Plessis, lieutenant-colonel of artillery in the service of the United States, as a testimonial of the high sense which Congress entertain of his zeal, bravery and good conduct, displayed on many occasions, and particularly of the services rendered to the United States in the action of Monmouth, on the 28th of June last:

The yeas and nays being required by Mr. Marchant,

<i>Massa's-Bay</i> , Mr. Gerry,	ay	} ay	<i>Delaware</i> ,	Mr. M'Kean,	no	} no
Lovell,	ay		<i>Virginia</i> ,	Mr. M. Smith,	no	
Holten,	no		<i>N.-Carolina</i> ,	Mr. Penn,	ay	} div.
<i>Rhode-Island</i> , Mr. Marchant,	no	} no		Harnett,	no	
Collins,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} dia
<i>Connecticut</i> , Mr. Sherman,	no	} no		Drayton,	no	
Ellsworth,	no			Matthews,	no	
<i>New-York</i> , Mr. Duer,	no	} div.		Hutson,	ay	} no
G. Morris,	ay		<i>Georgia</i> ,	Mr. Telfair,	no	
<i>New-Jersey</i> , Mr. Scudder,	no	} no		Langworthy,	no	
<i>Pennsylvania</i> , Mr. Roberdeau,	no					
Gillingan,	no	} no				

So it passed in the negative.

*Ordered*, That the remainder of the report be re-committed;

That Mr. Lovell be added to the committee, and Mr. G. Morris be excused from attending.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, November 4, 1778.

The hon. sieur Gerard, minister plenipotentiary and consul general of France, having transmitted to Congress a commission appointing the sieur Plombard, consul of France in the state of South-Carolina, the same was read and confirmed:

*Ordered*, That it be referred to the marine committee; that they register it and notify the appointment to whom it may concern, and return the commission to Mr. Gerard.

A letter, of October 26th, from brigadier count Pulaski; one of November 3d, from Peter Craig; and one of this day, from Fohrer and Kleinsmit, were read:

*Ordered*, That they be referred to the board of war.

A letter, of this day, from Mons. L'Eclise, and a petition from Prudent Junesse, were read:

*Ordered*, That they be referred to the board of treasury.

A letter, of the 1st, from major-general lord Stirling, was read.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Mr. Holten, one of the delegates of the state of Massachusetts-Bay, for 1500 dollars, advanced upon his application; for which the said state is to be accountable:

That a warrant issue on the treasurer in favor of Jeremiah Wadsworth, commissary-general of purchases, for 900,000 dollars, for the use of his department; for which he is to be accountable:

That a warrant issue on the treasurer in favor of the pay-master of the board of war and ordnance, for 500,000 dollars, to be by him transmitted to Benjamin Stelle, esq. deputy pay-master at Providence; and that the said sum be charged to Ebenezer Hancock, deputy pay-master general in the eastern district, who is to be furnished with a copy of this order, and to be accountable:

*Resolved*, That 10,000,100 dollars, in bills of credit, be emitted under the direction of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26th of September last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

45,455 bills of the denomination				45,455 bills of the denomination			
of 60 dollars				of 8 dollars			
45,455	do.	50	2,727,300	45,455	do.	7	363,640
45,455	do.	40	2,272,750	45,455	do.	5	318,185
45,455	do.	30	1,818,200				227,275
45,455	do.	20	1,363,650				
45,455	do.		909,100				10,000,100

*Ordered*, That a warrant issue on the treasurer in favor of Thomas Kennedy, for 50,000 dollars, in discharge of a bill drawn by his excellency Jonathan Trumbull, esq. governor of the state of Connecticut, dated Hartford, October 24th, 1778, in favor of Nathaniel Shaw, for that sum, on the president of Congress; the state of Connecticut to be accountable:

That a warrant issue on the treasurer in favor of Jeremiah Wadsworth, esq. commissary-general of purchases, for 2,300,000 dollars, for the use of his department:

That a warrant issue on Thomas Smith, commissioner of the continental loan-office in the state of Pennsylvania, in favor of Jonathan Potts, deputy director-general, for 130,000 dollars, for the use of his department; he to be accountable.

A motion being made respecting the medical department,

*Ordered*, That it be referred to the medical committee.

Congress proceeded to the election of two members to attend the board of war, and, the ballots being taken, Mr. Sherman and Mr. Matthews were elected.

Congress proceeded to the election of a secretary of the board of war and ordnance, and, the ballots being taken, major Peter Scull was elected, having been previously nominated by Mr. Duer.

*Ordered*, That 300 copies of the treaties of amity and commerce, and of alliance, entered into between his most Christian majesty and the United States of America, be printed.

Congress proceeded to the election of three commissioners of the navy board in the middle district, and, the ballots being taken, John Wharton, James Reed, and William Winder, were elected, having been previously nominated by the marine committee.

*Resolved*, That a committee of three be appointed to confer with the managers of the lottery, and report to Congress a proper allowance for their services: the members chosen, Mr. Marchant, Mr. Roberdeau, and Mr. Holten.

Adjourned to ten o'clock to-morrow.

THURSDAY, November 5, 1778.

Mr. Whipple, a delegate from New-Hampshire, attended and took his seat in Congress.

A letter, of October 21st, from E. Hinman, late captain of the Alfred, was read.



A letter, of October 29th, from gen. Washington, with sundry papers enclosed, was read :

*Ordered*, That the same be referred to a committee of three, and that they be empowered to take such steps thereon as they shall think proper : the members chosen, Mr. Scudder, Mr. G. Morris, and Mr. Whipple.

A letter, of October 31st, from gen. Washington, was read, enclosing a letter of the 15th of the same month, from John Connolly :

*Ordered*, That the letter from J. Connolly be referred to the committee on the letter of September 15th, from Mr. John Beatty, commissary of prisoners.

A letter, of October 30th, from J. Beatty, commissary of prisoners, was read, enclosing a letter of the 29th of the same month, to him, from James Dick, at New-York :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Witherspoon, Mr. Drayton, and Mr. S. Adams.

A report from the board of war was read ; Whereupon,

*Resolved*, That the three companies commanded by captains Cluggage, Black, and M'Donald, raised for the defence of the frontiers of Pennsylvania, be re-inlisted and completed to their full complement, for the space of one year, from the 15th day of December next, unless sooner discharged by Congress.

That every non-commissioned officer and private inlisting in the said companies, receive as a bounty a suit of clothes, to consist of the articles usually allowed the continental troops, and that it be stipulated with the said non-commissioned officers and privates so inlisting, that they shall not be removed from the frontiers of the said state, on any account whatever, except on expeditions against the Indians.

A letter, of this day, from lieutenant-col. Gimat, was read ; Whereupon,

The committee to whom a report on the letter of October 27th, from the marquis de la Fayette, and the letter from the chevalier de Maduit du Plessis, with the papers relative thereto, were re-committed, brought in a report, which was taken into consideration, and thereupon Congress came to the following resolutions :

Whereas the chevalier de Maduit du Plessis, lieutenant-colonel of artillery in the army of the United States, apprehending that the war is near a conclusion in this country, is desirous of returning to France, to offer his service to his prince, now engaged in hostilities with our common enemy :

*Resolved*, That the chevalier de Maduit du Plessis have leave to withdraw from the service of these United States, and that the president give him a written testimonial of the high sense which Congress entertain of his zeal, bravery, and good conduct, during his service in America.

And whereas the chevalier came out from France at his own expense, and has never received any of the advances and gratuities which have been made to the other officers of Mons. du Coudray's corps :

*Resolved*, That a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favor of the chevalier de Maduit du Plessis, for 5000 livres tournois, and that the sum of 200 dollars be paid to him, the same to be in full of all gratuities claimed, or demands made or to be made by him against these United States.

*Resolved*, That an honorary certificate of his zeal and services be given to lieutenant-colonel Gimat, and that a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favor of lieutenant-colonel Gimat, for 5000 livres tournois, and that the sum of 200 dollars be paid to him to defray his expenses to the port of embarkation.

*Resolved*, That the commission of major by brevet be granted to Mons. Capitaine, a captain in the service of the United States, and that a bill of exchange for 2400 livres tournois be drawn on the minister of the United

States at Paris, in favor of Mons. Capitaine, for his expenses in coming to and returning from America.

*Resolved*, That a bill of exchange for 1150 livres tournois be drawn on the minister aforesaid, in favor of Mons. de la Colombe, for his expenses in coming to and returning from America.

*Resolved*, That a bill of exchange for 1150 livres tournois be drawn on the minister aforesaid, in favor of Mons. Pontgibeaup, for his expences in coming to America, and for his return.

On motion, *Resolved*, That John Laurens, esq. aid-de-camp to gen. Washington, be presented with a continental commission of lieutenant-colonel, in testimony of the sense which Congress entertain of his patriotic and spirited services as a volunteer in the American army, and of his brave conduct in several actions, particularly in that of Rhode-Island, on the 29th of August last; and that gen. Washington be directed, whenever an opportunity shall offer, to give lieutenant-colonel Laurens command agreeable to his rank.

The committee to whom was referred the letter of gov. Trumbull, respecting major Derick, and Mr. Erkelins's plan of a negotiation for a loan, brought in a report; Whereupon,

*Resolved*, That major Derick be permitted to return to the United States of the Netherlands, and that he be promoted to the rank of lieutenant-colonel by brevet, as a testimony of his merit and services in the army of the United States.

*Ordered*, That the president return an answer to gov. Trumbull, and also to Mr. Erkelins, thanking him for his zeal in the service of the United States, but informing him and governor Trumbull that Congress are not yet prepared to adopt the scheme of a negotiation for the loan proposed.

Adjourned to ten o'clock to-morrow.

#### FRIDAY, November 6, 1778.

*Resolved*, That Mr. Whipple be appointed a member of the marine committee, for New-Hampshire, in the room of Mr. Bartlett, absent.

A letter, of this day, from lieutenant-colonel John Laurens, was read, expressing "his gratitude for the unexpected honor which Congress were pleased to confer on him by the resolution passed yesterday, and the high satisfaction it would have afforded him, could he have accepted it without injuring the rights of the officers in the line of the army, and doing an evident injustice to his colleagues in the family of the commander in chief: that, having been a spectator of the convulsions occasioned in the army by disputes of rank, he holds the tranquillity of it too dear to be instrumental in disturbing it; and therefore entreating Congress to suppress the resolve of yesterday, ordering him a commission of lieutenant-colonel; and to accept his sincere thanks for the intended honor:" Whereupon,

*Resolved*, That Congress highly approve the disinterested and patriotic principles upon which lieutenant-colonel J. Laurens has declined to accept the promotion conferred upon him by Congress.

A letter, of the 5th, from Peter Scull, was read, notifying his acceptance of the appointment of secretary to the board of war and ordnance.

A letter, of the 4th, from Mr. President Rodney, of the state of Delaware, was read, informing, "that the members of the house of assembly have, by some means or other, in the course of the 2d and 3d inst. dispersed, and thereby the house dissolved, without having completed any one piece of the business laid before them: Whereupon,

*Resolved*, That the president write to the hon. C. Rodney, esq. president of the state of Delaware, and request him to call the assembly of that state together as soon as possible.

A letter, of October 12th, from major-general R. Howe, was read, enclos-

ing a return of the stores belonging to the United States in the arsenal and magazine at Charleston, South-Carolina :

*Ordered*, That the letter be referred to the committee on the memorial from the marquis de Britigny :

That the return of the stores be referred to the board of war.

A letter, of the 5th, from J. Simons to the board of war, and a copy of one of October 28th, from J. Loring, at New-York, to David Franks, were laid before Congress :

*Ordered*, That they be referred to the board of war, and that the board be directed to report thereon.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on John Gibson, esq. auditor-general, for 260,538 48-90 dollars, in favor of Michael Hillegas, treasurer, it being the balance of the last million of dollars put into the hands of the said auditor-general ; for which the treasurer is to be accountable.

*Ordered*, That a warrant issue on the treasurer in favor of Dr. J. Wither-  
spoon, one of the delegates of the state of New-Jersey, for 300 dollars, advanced upon his application ; for which the said state of New-Jersey is to be accountable.

Adjourned to ten'oclock to-morrow.

#### SATURDAY, November 7, 1778.

A memorial from captain Stephen Chambers, was read.

Sundry certificates relative to the purchase of horses by colonel Hartley were read ; Whereupon,

*Ordered*, That the quarter-master-general be directed to pay for horses purchased by order of colonel Hartley, for the purpose of marching the infantry commanded by captain Carbery, and for baggage-horses on the late excursion against the Indians, on proper certificates being produced.

Two letters of October 29th, from major-general Heath, one of them enclosing a letter from major Harnage, were read :

*Ordered*, That they be referred to a committee of three ; the members chosen, Mr. Lovell, Mr. Scudder, and Mr. Marchant.

A letter, of October 31st, from major-general Sullivan, at Providence, was read, with a letter from major Talbot enclosed :

*Ordered*, That the letter from major Talbot be referred to the marine-committee, and be published.

A petition from Mons. Lassier was read :

*Ordered*, That it be dismissed.

A letter, of October 30th, from major-general Schuyler, with sundry papers enclosed, was read :

*Ordered*, That it be referred to the board of war.

*Resolved*, That Wednesday next be assigned for the consideration of the proceedings of the court-martial on the trial of major-general Schuyler.

A petition from the chevalier de Crenis was read ; Whereupon,

*Resolved*, That a brevet commission of lieutenant-colonel be granted to the chevalier de Crenis.

A letter, of October 8th, from J. Connolly, was read :

*Ordered*, That it be referred to the committee on the letter of the 15th, from Mr. Beatty.

A letter, of the 7th, from Mr. D. Franks, was read.

The committee to whom was referred the letter from David Franks to Moses Franks, brought in a farther report ; Whereupon,

*Resolved*, That the letter of D. Franks of the 18th of October last, and the proceedings of Congress thereon, be transmitted to the supreme executive council of the state of Pennsylvania, and that he be no longer considered as a prisoner of the United States.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the hon. John Williams, esq. one of the delegates of North-Carolina, for 800 dollars, advanced on his application ; the said state to be accountable :

That a warrant issue on the treasurer in favor of William Kennon, copper-plate printer, for 200 dollars, advanced him on account of printing bills of exchange :

That a warrant issue on the treasurer in favor of the marquis de la Fayette, major-general in the service of the United States, payable to his order, agent or attorney, for \$787 36-90 dollars, for sundry expenses and disbursements in consequence of his appointment to the command of the troops in the northern department, in February last.

*Ordered*, That the chaplains of Congress prepare and report a recommendation to the several states, to set apart the 30th day of December next, as a day of general thanksgiving throughout the United States.

The board of war to whom were referred the letter of the 5th, from J. Simons, and the letter of October 28th, from J. Loring to D. Franks, brought in a report ; Whereupon,

*Resolved*, That the commissary-general of prisoners be directed to take proper measures, until the farther order of Congress, for the temporary supply of the British prisoners of war captivated by the army of the United States, with such quotas of rations as are furnished our prisoners in the hands of the enemy by the British commissaries :

That the commissaries-general of purchases and issues and their deputies, be directed to comply with such requisitions as shall be made to them, from time to time, by the commissary-general of prisoners, for such articles of provisions as shall be necessary to furnish the British prisoners agreeably to the above direction of Congress.

*Ordered*, That the secretary furnish the commissary-general of prisoners with the copy of the letter of January 19th, 1778, from sir William Howe to general Washington, with the papers enclosed, specifying the quota of rations furnished to our prisoners in the enemy's hands by the British commissaries.

*Ordered*, That the memorial of lieutenant-colonel Oswald, presented and read on the 2d instant, be referred to a committee of three : the members chosen, Mr. Sherman, Mr. Duer, and Mr. Marchant.

A letter, of the 6th, from captain Mansfield, was read, desiring leave to resign his commission :

*Resolved*, That his resignation be accepted, and that the commission be sent to the board of war, who are directed to make such endorsement thereon as they shall think suited to his merit.

Adjourned to ten o'clock on Monday.

#### MONDAY, November 9, 1778.

Mr. Francis Lightfoot Lee, a delegate from Virginia, attended, and took his seat.

A letter, of October 26th, from major-general Sullivan, was read, with sundry papers enclosed respecting forage :

*Ordered*, That the same be referred to the board of war.

A letter, of October 30th, from major-general Gates, at Hartford ; one of the same date, from Peter Colt ; and one of the same date, from gov. Trumbull ; and one of the 5th instant from major-general Lord Stirling ; were read :

An extract from the journals of the assembly of South-Carolina, purporting to be " a report of the committee on the president's message, relative to the hospital establishment and military arrangements of the state, as agreed to by the house," was laid before Congress :

*Ordered*, That so much thereof as relates to the hospital, be referred to the medical committee, and the remainder to the board of war.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of the invalid regiment, commanded by col. Lewis Nicola, for pay and subsistence for the month of September 1778, 1706 60-90 dollars, as by muster rolls and pay-rolls appears:

That there is due to Thomas Eddison, his pay as clerk in the secretary's office, from the 13th of August to the 31st of October inclusive, being two months and 20 days, at 100 dollars per month, 266 60-90 dollars:

*Ordered*, That the said accounts be paid.

*Ordered*, That so much of the report as relates to John Norman, be referred to the board of treasury.

A letter, of October 28th, from J. Loring to J. Beatty, was laid before Congress, and read:

*Ordered*, That it be referred to the committee on the letter of September 15th, from Mr. Beatty.

The committee to whom was referred the letter of October 30th, from J. Beatty, commissary of prisoners, brought in a report; Whereupon,

*Ordered*, That commissary Beatty be furnished with a copy of the resolutions of Congress on the subject of seditious papers circulated under the colour of flags, and informed, that, in the opinion of Congress, there was good reason for confining the pilot, lieutenant and crew of the vessel mentioned in his letter: that if any objections are made to it on the part of the enemy, they must be discussed and settled on national grounds, and therefore that the peremptory requisition of admiral Gambier will not be complied with.

The committee to whom was referred the letter of October 29th, from major-general Heath, with the papers enclosed, brought in a report; Whereupon,

*Resolved*, That the resolution of Congress of October 21st, relative to partial parole exchanges, be transmitted to major-general Heath for his government: that at the same time he be informed, that Congress have no objection to his giving passes to Mrs. Reynolds, her children and female servants, to go to Europe, Rhode-Island or New-York; or to his allowing major Harnage and capt. Hawker to continue on parole in the state of Massachusetts-Bay, with their families, upon their engaging to supply themselves.

Adjourned to ten o'clock to-morrow.

## TUESDAY, November 10, 1778.

A letter, of the 6th, from major-general Green, quarter-master general, was read.

Whereas it hath become necessary not only that speedy and vigorous measures should be taken to regulate the commissary's and quarter-master's departments, but also that a constant attention should be paid to those departments:

*Resolved*, That Mr. Scudder, Mr. G. Morris and Mr. Whipple be a committee to superintend the same departments, and that they, or any two of them, be empowered to take such steps relating to the same as they shall think most for the public service.

*Ordered*, That the letter from major-general Green, be referred to the said committee.

A letter, of the 6th, from gen. Washington, and one of the same date, from W. Palsrey, pay-master general, were read.

A memorial from Patrick M'Closky, and also a memorial from William Dodd, Levallin Barry, Patrick M'Closky and Richard Ross, were read:



**Ordered,** That they be referred to the board of treasury, and that they be empowered to give such relief as they may think the memorialists are equitably entitled to.

An application from the chevalier de Crenis was read :

**Ordered,** That it be referred to the board of treasury :

A letter, of October 30th, from Phineas Pierce, lieutenant in capt. Spaulding's company, was read, desiring leave to resign his commission, on account of his being incapable of serving longer by reason of wounds he received in the year 1776 :

**Resolved,** That the resignation of lieutenant Phineas Pierce be accepted.

**Ordered,** That 20 copies of the index to the first volume of the journals of Congress, and 20 copies of the 2d volume, be delivered to the delegates of each state, for the use of their respective states.

**Ordered,** That the plan of finance be an order for to-morrow, and that Congress proceed on the consideration of that business every day after, precisely at one o'clock, until the same be finished, and that this rule be not broken unless by unanimous consent.

The committee to whom were referred a report of the committee of the general assembly of South-Carolina, concurred in by the house on the 8th of September 1778, and ordered to be transmitted to Congress, and also a letter of September 22d, from major-general Howe, brought in a report, which was read.

A letter, of September 13th, from the marquis Bouille, governor of Martinique, and directed to the committee of foreign affairs, was read :

**Ordered,** That it be referred to the committee appointed to confer with the minister of France.

**Ordered,** That Mr. Holten be added to the committee appointed to superintend the publication of the journals.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, November 11, 1778.

Mr. Ellery, a delegate from Rhode-Island, attended, and took his seat in Congress.

A memorial from the hon. sieur Gerard, minister plenipotentiary of France, was read, representing, that he has "purchased, for account of his most Christian majesty, the cargoes of two vessels, one called the Gentille, George Andre, master; the other the Adventurer, Joseph Tassis, master: which vessels are now in the port of Petersburg, in Virginia: that both cargoes consist of between 12 and 1300 barrels of flour, and about 150 barrels of bread: that the destination of this provision requires its immediate departure;" and therefore entreating Congress "to give the necessary orders for the departure of these vessels:" Whereupon,

**Ordered,** That the president write to the governor of Virginia, explain to him the nature of this transaction, and the necessity of the vessels immediate departure, and desire him to give orders accordingly.

**Ordered,** That the committee for superintending the commissary and quarter-master's departments, confer with Mons. Gerard on the danger that may result from an interference with the commissary-general or his deputies, on the purchase of provisions in the present situation of affairs.

A letter, of the 9th, from gen. Conway, was read :

**Ordered,** To lie on the table.

Congress took into consideration the report of the committee on finance, and some time being spent thereon,

Adjourned to ten o'clock to-morrow.

### THURSDAY, November 12, 1778.

A letter, of the 11th, from Mr. de Francey, was read :



*Ordered*, That it be referred to the committee of commerce.

*Ordered*, That Mr. Whipple and Mr. Ellery be added to the said committee, and that the committee be empowered to employ a suitable person as a clerk.

*Ordered*, That Monday next be assigned for considering the commercial affairs of Congress, and the propriety of putting them into commission; and that the committee of commerce on that day, lay on the table a plan for conducting commercial affairs.

The committee of foreign affairs laid before Congress a letter of the 16th, and one of September 26th, from W. Bingham, at Martinique, which were read, and returned to the committee.

The marine committee laid before Congress a letter of October 31st, from W. Smith, at Baltimore, which was read, informing that Mr. Dugan's vessel, on board of which Mr. Smith had shipped flour, agreeably to the order of the marine committee, has been seized; Whereupon,

*Ordered*, That the president write to gov. Johnson, and inform him, that the marine committee are empowered and directed to send provisions by sea to the eastern states, for the use of the navy: that the public service requires that every aid should be given to the marine committee to facilitate the execution of this business; and that the government of Maryland be requested to permit the vessels taken up and loaded by order of the marine committee to proceed on their voyage with all despatch.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for 75,000 dollars, in favor of Jonathan Potts, deputy director-general, and another warrant in his favor on Derk Ten Broek, esq. commissioner of the continental loan-office in the state of New-York, for 75,000 dollars; both which sums, amounting to 150,000 dollars, are for the use of the hospitals in the northern department: and for which the said deputy director-general is to be accountable.

*Ordered*, That the petitions of Mons. L'Eclise and Mons. la Jeunesse, which were referred to the board of treasury, be referred to the board of war, and that they take such measures thereon as they shall judge expedient.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to David Mosely, for his pay, boarding, &c. as a copper-plate printer, from June 25th to November 14th, 1778, a balance of 121 dollars:

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to colonel James Livingston's regiment, from October the 11th to November 10th, 1778, inclusive, 60 dollars:

That there is due to John Radeisell, for hire of his wagon and ferriages from York county to Amboy, and returning home in August, 1776, 86 31-90 dollars:

That there is due to George Shallus, for victualling Pennsylvania militia in 1776, 58 dollars:

*Ordered*, That the said accounts be paid.

*Ordered*, That the report of the commissioners on the claims of Henry Kreven and Godfrey Frey, be referred to the committee appointed to superintend the commissary's and quarter-master's departments, and that they be directed to confer with the quarter-master general and barrack-master upon the subject, and report resolutions for determining all such cases for the consideration of Congress.

The committee to whom was referred the letter of September 15th, from J. Beatty, commissary of prisoners, with two letters from J. Loring, dated September 1st and October 28th, and sundry letters from John Connolly, report the following state of facts:

**" That Dr. John Connolly, now stiling himself lieutenant-colonel in the British service, was, in the latter end of November, 1775, apprehended in Frederick county, in Maryland, in company with a certain Allan Cameron and John Smith, by the committee of inspection of that county : that at the time he was taken he was not in arms ; or at the head of any party in arms ; but was clandestinely making his way to Detroit, in order to join, give intelligence to, and otherwise aid the garrison at that place, as appears by his own intercepted letter of December, 16th, 1775, addressed to the commanding officer of that fortress, and by gen. Washington's letter to Congress of December 25th, 1775 :**

**That a number of officers in the British service, who were made prisoners long after the said John Connolly was apprehended, have been exchanged in course, and no demand has been made till within these few months past by any British general for the release or exchange of the officer last mentioned :**

**With respect to the treatment of the said John Connolly, the committee report, that at the time he was first apprehended, he was confined, under guard, by the committee of inspection in the town of Frederick, in an apartment separate from his associates, without any circumstance to aggravate his captivity, except the being debarred the use of pen, ink, and paper : that notwithstanding this restraint, he contrived to write several letters of intelligence to the British officers commanding at the post of Detroit and Kuskus, which letters were found on the person of Dr. Smith, one of his associates, who, having escaped from the town of Frederick, was again apprehended : that, by the resolution of Congress, of December 8th, 1775, he was ordered to be " confined in prison at Philadelphia : " that being brought to that city, he was confined in the new gaol, where he continued till about the month of November, 1776, when he was permitted, on account of a declining state of health, to reside on his parole at the house of his brother-in-law on the river Susquehanna, where he continued for about two months, when, on information being given to the council of safety of the state of Pennsylvania, of certain suspicious circumstances relative to him, he was remanded to his former place of confinement, in which he continued till about spring, 1777, when he was again permitted, on his parole, and the security of his brother-in-law, to return to his former place of residence on the river Susquehanna.**

**That during these periods of his confinement in the new gaol, he had for the greatest part of the time a separate apartment to himself, the privilege of walking in the yard, a person allowed to attend him in his apartment, and his own servant permitted to fetch him such necessaries as he chose to order ; and that during the short period when he had not a separate apartment, there were never more than two persons in the same room, seldom more than one, and those some of his associates, or in consequence of his particular request : that during those periods of time he made two attempts to escape, in which he was detected ; that on authentic information being given to Congress, at York-town, that the said lieutenant-col. John Connolly was acting in a manner not consistent with the spirit of his parole, and the frontiers being then threatened with a barbarous war, in which there was reason to apprehend he was designed as an instrument, he was ordered into confinement in the gaol at York-town, on the 13th day of October, 1777 ; that on the 17th day of May, 1778, the said John Connolly, with several others, confined in the said gaol, made a representation to Congress, setting forth, in the strongest colouring, the hardships and cruelties which they declared they were then suffering :**

**That on the result of a strict enquiry, and after the gaol had been visited by col. Pickering, one of the members of the board of war, it appeared that the suggestions contained in the said representation were scandalous and**

groundless ; and the report of the board of war was on the 23d of May, ordered to be published ; that since the evacuation of Philadelphia, the said John Connolly was remanded to the new gaol in that city, where, excepting the space of about 14 days, when two persons were necessarily obliged to sleep in the same room, he has had a separate and commodious apartment of his own choice, the privilege of his own servant to attend him constantly, and to bring him whatever he may require, and the unrestrained use of a spacious yard to take the air in, during the day ; that, in his letter of October 12th, 1778, the said John Connolly declares, " that the common rights of humanity are denied him," and paints his situation in such terms, as would tend to induce a belief that the most wanton cruelties and restraints are imposed upon him :

That, in consequence of a request of J. Connolly to be heard in person by a committee of Congress, this committee has complied with his request, when he declared, in the presence of your committee, " that excepting the restraint of his person under the limits above mentioned, which, however indulgent they might appear, he conceived unfavorable to his state of health, he experienced every other relief which could be extended to a person in confinement : " that Joshua Loring, esq. British commissary of prisoners, in his letter to Mr. Beatty of September 1st, 1778, threatens to retaliate on an American prisoner of war of an equal rank with lieut. col. Connolly, for the sufferings which it is pretended that officer endures : Whereupon,

*Resolved*, That lieutenant-colonel John Connolly cannot of right claim to be considered and treated as a prisoner of war, but that he was, at the time he was apprehended, and still is, amenable to law-martial as a spy and emissary from the British army :

That the repeated representations made by lieutenant-colonel John Connolly, of the grievances he undergoes, are not founded on facts :

That gen. Washington be directed to transmit the foregoing resolutions and state of facts to the commander in chief of his Britannic majesty's forces in New-York, and to inform the said officer, that if, under the pretext of retaliating for the pretended sufferings of a person who, by the law of nations, has no right to be considered as a prisoner of war, any American officer, entitled to be considered and treated as a prisoner of war, shall undergo any extraordinary restraints or sufferings, Congress are determined to retaliate on the person of an officer of the first rank in their possession, for every species of hardship or restraint on such account inflicted.

*Ordered*, That Mr. Matthews have leave of absence.

Congress resumed the consideration of the report on finance, and some time being spent thereon,

Adjourned to ten o'clock to-morrow.

#### FRIDAY, November 13, 1778.

*Ordered*, That Mr. Telfair have leave of absence.

*Ordered*, That Mr. S. Adams be added to the committee appointed to superintend the publication relative to disputes, petitions and negotiations to and with the court of Great-Britain, and that the committee be empowered to proceed in the publication as they judge proper.

*Ordered*, That the state of facts and that resolutions relative to J. Connolly be published.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of Dr. William Shippen, director-general, for 75,000 dollars, to enable him to discharge sundry debts due from his department previous to the 1st of March last ; the said director-general to be accountable.

That a warrant issue on the treasurer in favor of John Norman, for 40 dollars, for the use of his rolling press for five weeks.

**Resolved,** That three members be added to the board of treasury: the members chosen, Mr. Hutson, Mr. Ellsworth, and Mr. F. L. Lee.

**Ordered,** That a warrant issue on the treasurer in favor of the committee of commerce for 9975 7-90 dollars, to enable them to pay Gerard William Beekman & Co. 2239 52-90 dollars, for freight, &c. of the ship Mary, chartered by the said committee, and to pay a bill drawn on them by Messrs. James and Adam Hunter, of Virginia, in favor of Mr. A. Strettle, dated October 26th, 1778, for 7735 45-90 dollars; the said committee to be accountable.

A report from the board of war was read: Whereupon,

**Resolved,** That the commanding officer in the southern department be empowered, if he shall find it necessary, to appoint a deputy judge advocate for the troops in Georgia, to act so long as occasion requires, and to be entitled to the usual monthly pay and allowance. ●

Congress resumed the report of the committee on finance, and after some time spent thereon,

Adjourned to ten o'clock to-morrow.

SATURDAY, November 14, 1778.

A letter, from lieutenant Donald M'Leod, a prisoner on parole, was read, praying, in behalf of himself and eleven others in similar circumstances, that two of them may be permitted to go to New York to negotiate an exchange; or, if that cannot be obtained, to bring a supply for them all.

**Ordered,** That it be referred to the board of war.

A letter of this day from major-general Arnold was read, enclosing a letter of the 9th, from R. Peters, member of the board of war;

**Ordered,** That the same be referred to the board of war.

A letter, of the 13th, from Mr. S. Deane, was read, enclosing a memorial on the subject of currency, and establishing a marine or naval force for the defence of the American coasts:

**Ordered,** To lie on the table for the perusal of the members.

A letter, of the 9th, from colonel Hartley, at Sunbury, to the council of Pennsylvania, and one of the same date to the board of war, were laid before Congress and read; Whereupon,

**Ordered,** That a copy of the letter to the board of war be sent to gen. Washington, and that he be directed to take such measures relative to the subject matter thereof, as he may judge necessary:

That the board of war give orders to the proper officers, for furnishing the troops in the posts on the western frontiers under the command of col. Hartley, with provisions and other necessary supplies.

The marine committee, to whom was referred the letter from major Silas Talbot, brought in a report; Whereupon,

**Resolved,** That Congress have a high sense of the bravery and good conduct of major Silas Talbot, of the state of Rhode-Island, and the officers and men under his command, in boarding and taking the armed schooner Pigot of eight 12 pounders and 45 men, in the east passage between Rhode-Island and the Main; and that he, as a reward of his merit and for the encouragement of a spirit of enterprize, be presented with the commission of lieutenant-colonel in the army of the United States.

Another report from the marine committee was read; Whereupon,

**Resolved,** That, to encourage seamen to enter into the service of the United States, those who shall engage for a term not less than twelve months, be supplied with slops in such quantities and with such abatements, not exceeding fifty per cent. on the cost thereof, as the marine committee shall, from time to time, judge necessary.

**Resolved,** That pursers be appointed in the navy of the United States for all vessels not under 16 guns, and that their pay be equal to that of surgeons in the navy.

Whereas by the act of Congress ordering the distribution of prize money amongst the petty warrant and petty officers in the navy of the United States no provision has been made for the carpenter's and gunner's mates:

*Resolved*, That the carpenter's and gunner's mates share equally in prize money with the other petty warrant and petty officers in the navy of the United States.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of John Gibson, esq. for 4710 dollars, to enable him to discharge the residue of a warrant drawn on him by the hon. John Hancock, esq. president of Congress, in favor of the delegates of the state of Rhode-Island, for 10,000 dollars, dated July 5th, 1777; for which the said J. Gibson is to be accountable.

*Ordered*, That Mr. Marchant have leave of absence.

Congress resumed the consideration of the report of the committee on finance, and after some time spent thereon,

Adjourned to ten o'clock on Monday.

### MONDAY, November 16, 1778.

*Resolved*, That Mr. F. L. Lee be discharged from attending the board of treasury, and that he be appointed to attend the board of war, as a member of this house, in the room of Mr. Matthews.

A letter, of this day, from the board of war, was read, enclosing a copy of a letter of October 31st, from J. Loring to col. Beatty, summoning all the officers who are at home on their paroles to repair immediately to New-York:

*Ordered*, That the same be referred to the board of war, and that the board give orders to suspend the publication of the summons until they report thereon.

A letter, from J. Melchior, barrack-master, was read, with sundry papers enclosed:

*Ordered*, That the same be referred to the board of war.

A letter, of the 15th, from the marquis of Britigny, was read.

Congress resumed the consideration of the report of the committee on finance, when a motion was made,

That the four first propositions of the report be referred to a committee of the whole house:

On the question put, the yeas and nays being required by Mr. Duer.

<i>New-Hampshire</i> , Mr. Whipple,	no	} <i>div.</i>	<i>Maryland</i> ,	Mr. Henry,	ay	} <i>ay</i>
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no		<i>Virginia</i> ,	Mr. F. L. Lee,	ay	
Gerry,	ay			M. Smith,	ay	
Lovell,	no		<i>N.-Carolina</i> ,	Mr. Penn,	ay	
Holten,	ay	} <i>no</i>		Harnett,	ay	} <i>ay</i>
<i>Rhode-Island</i> , Mr. Ellery,	no		<i>S.-Carolina</i> ,	Williams,	ay	
Marchant,	no			Mr. Laurens,	no	
<i>Connecticut</i> , Mr. Sherman,	no			Drayton,	ay	
Ellsworth,	no	} <i>ay</i>	<i>Georgia</i> ,	Hutson,	ay	} <i>ay</i>
<i>New-York</i> , Mr. Lewis,	ay			Mr. Langworthy	ay	
Duer,	ay					
<i>New-Jersey</i> , Mr. Scudder,	no					
<i>Pennsylvania</i> , Mr. Loberdeau,	no	} <i>ay</i>				
James Smith,	ay					
Clingan,	ay					

So it was resolved in the affirmative.

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole to consider the propositions referred to them.

The chaplains having prepared a recommendation to the several states for setting apart a day of thanksgiving, the same was read.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Robert Spen-



cer, esq. for 6366 dollars, in discharge of a bill drawn by W. Palfrey, esq. pay-master general, on the president of Congress, for that sum, in favor of the said R. Spencer, dated October 31st, 1778, expressed to be for the forces of the United States of America; the said pay-master general to be accountable.

Adjourned to ten o'clock to-morrow.

**TUESDAY, November 17, 1778.**

A letter and memorial from Mons. Bedaulx were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 1st, from capt. Seth Harding, at Norwich, was read :

*Ordered*, That it be referred to the marine committee.

A letter, of the 2d, from major-general Schuyler, enclosing a letter from Mr. James Deane, at Fort Schuyler, was read :

*Ordered*, That a copy of Mr. Deane's letter be sent to gen. Washington, and that gen. Schuyler's letter, with the enclosed, be referred to the board of war.

Whereas Congress have received intelligence that renders it necessary to abridge the indulgence heretofore granted to J. Connolly :

*Ordered*, That he be confined to his room, and that no person be admitted to converse with him till the further order of Congress.

A letter, of October 30th, from gov. Greene, of Rhode-Island, was read.

A letter, of September 9th, from major Romand de Lisle, and one, of September 5th, from col. Elbert, in Georgia, were read ;

*Ordered*, That they be referred to the board of war.

A letter, of September 9th, from J. Clay, pay-master in Georgia, with his account enclosed, was read :

*Ordered*, That the same be referred to the board of treasury.

A report from the board of war was read ; Whereupon,

*Resolved*, That the troops raised in the state of South-Carolina, are, and ought to be considered as being in the same situation, and subject to the same regulations, with the other forces of the United States, except in cases where contrary stipulations were made at the time of their being received into the service of the United States, on the continental establishment.

The committee to whom were referred the letter from Mr. Lowndes, president of South-Carolina, and the letters from major-general Howe, brought in a report ; Whereupon,

*Resolved*, That the president of the state of South-Carolina be informed, that the resolution of Congress of September 16th, 1776, relative to appointments, extends only to the appointment of regimental officers, and not to officers on the general staff.

Congress proceeded to the election of a deputy adjutant-general and deputy quarter-master general for the troops in the southern department, and, the ballots being taken,

Captain Edmund Hyrne was elected deputy adjutant-general, and Stephen Drayton was elected deputy quarter-master general in the southern department, they having been previously nominated by the delegates of South-Carolina.

Congress resumed the consideration of the recommendation to the states for setting apart a day of thanksgiving, which being amended, is as follows :

It having pleased Almighty God, through the course of the present year, to bestow many great and manifold mercies on the people of these United States ; and it being the indispensable duty of all men gratefully to acknowledge their obligations to him for benefits received :

*Resolved*, That it be, and hereby is recommended to the legislative or executive authority of each of the said states, to appoint Wednesday, the 30th of December next, to be observed as a day of public thanksgiving and praise,



that all people may, with united hearts, on that day, express a just sense of his unmerited favors ; particularly in that it hath pleased him, by his overruling providence, to support us in a just and necessary war, for the defence of our rights and liberties, by affording us seasonable supplies for our armies, by disposing the heart of a powerful monarch to enter into alliance with us, and aid our cause by defeating the councils and evil designs of our enemies, and giving us victory over their troops ; and, by the continuance of that union among these states, which, by his blessing, will be their future strength and glory.

And it is further recommended, that, together with devout thanksgiving, may be joined a penitent confession of our sins, and humble supplication for pardon, through the merits of our Saviour ; so that, under the smiles of Heaven, our public councils may be directed, our arms by land and sea prospered, our liberty and independence secured, our schools and seminaries of learning flourish, our trade be revived, our husbandry and manufactures increased, and the hearts of all impressed with undissembled piety, with benevolence and zeal for the public good.

And it is also recommended, that recreations unsuitable to the purpose of such a solemnity may be omitted on that day.

Done in Congress, this 17th day of November, 1778, and in the third year of the independence of the United States of America.

According to order, Congress was resolved into a committee of the whole, to consider the four first propositions of the report of the committee on finance, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and have made some progress, but not having come to a conclusion desire leave to sit again :

*Resolved*, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them :

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, November 18, 1778.

Two letters from the honorable the minister plenipotentiary of France were read, requesting a passage on board one of the continental frigates for the chevalier de Raymondis, captain of the Cæsar ; and that a vessel, on board of which are a number of invalids, may be taken under convoy of the frigate, until she is safe at sea :

*Ordered*, That they be referred to the marine committee, and that the committee be directed to comply with the request therein contained.

A letter, of the 14th, from gen. Washington, was read, enclosing one of the 10th, from general sir Henry Clinton, relative to an exchange of the convention troops :

*Ordered*, That it be referred to the board of war.

A letter, of the 9th, from gov. Henry, of Virginia, was read.

A memorial from the marquis of Britigny, was read :

*Ordered*, That the same, together with the report of the committee on a former memorial from the marquis, be referred to a committee of five: the members chosen, Mr. Drayton, Mr. Williams, Mr. Ellery, Mr. M. Smith, and Mr. Henry.

*Ordered*, That the memorial from the baron de Randerode Thulier, which was read and referred on the 21st of October last, be also referred to the foregoing committee.

An intercepted letter from Abraham Chilborn, of Haverford West, directed to Jas. Seagrove, merchant in Philadelphia, was laid before Congress :

*Ordered*, That it be transmitted to the executive council of Pennsylvania.

The credentials of the delegates from the state of Maryland being laid before Congress, were read, and are as follows :

## " MARYLAND.

*In the House of Delegates, November 13th, 1778.*

The gentlemen appointed to examine the ballot boxes on the election for delegates to Congress, returned from the conference room and reported, that George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, esqrs. had a majority of votes; whereupon it is declared in the house of delegates, that the hon. George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, esqrs. are duly elected delegates to Congress.

True copy from the proceedings. By order,

J. DUCKETT, C. H. D.

A similar copy from the proceedings of the senate is signed, by order,

R. RIDGELY, Clerk of the Senate."

A letter, of the 7th, and one of the 11th of August, from the hon. A. Lee, esq. at Paris, directed to the committee of correspondence at Congress, were read, together with sundry papers enclosed and referred to therein:

*Ordered*, That they be lodged with the secretary, for the perusal of the members.

An invoice of five bales of merchandise, shipped on board the schooner Tabby, captain John Hoadges, Marblehead, and consigned to the hon. E. Gerry, esq. for account of the hon. Arthur Lee, by Joseph Gardoqui & Sons, was laid before Congress:

*Ordered*, That it be referred to the committee of commerce.

According to order, Congress was resolved into a committee of the whole, and after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their further consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again:

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider further the propositions referred to them.

A letter, of the 12th, from Mons. du Plessis, was read:

*Ordered*, To lie on the table.

Adjourned to ten o'clock to-morrow.

## THURSDAY, November 19, 1778.

Mr. Paca, Mr. Carmichael, and Mr. Henry, three of the delegates of Maryland, attended, and took their seats in Congress.

A letter, of the 2d, from major-general Heath was read, enclosing one of the 1st, from William de Passern, major of the regiment of Hesse Hanau, and one of October 31st, from brigadier-general James Hamilton, both directed to major-general Heath.

A letter, of the 12th, from gen. Washington, and one of this day from Rawleigh Downman and George Hancock, of the Georgia troops, and a memorial from col. Matthews, of the 9th Virginia regiment, respecting specie procured for his officers when prisoners, were read:

*Ordered*, That they be referred to the board of war.

A letter, of the 13th, from Mr. President Rodney, of the state of Delaware, was read.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of Thomas Baily, for 1485 dollars, in payment of a draught of major-general R. Howe, dated Charleston, South-Carolina, August 24, 1778, in favor of and endorsed by captain Rawleigh Downman, for that sum; it being agreeable to a letter of advice of the same date from major-gen. R. Howe, who is to be accountable:

That, upon the application of the marine committee, a warrant issue on the treasurer in their favor, for 10,000 dollars, for the use of the navy board in the middle district; the said marine committee to be accountable.

The committee on the treasury having, according to an order of Congress, considered a petition of William Dodd and others, dated November 9, 1778, report,

That the allowance made by Congress to the petitioners for their services, as expresses, agreeably to a report of the commissioners of claims, appearing to be fully sufficient, the prayer of the petition for an augmentation of pay, ought not to be granted :

*Resolved*, That Congress agree to the said report.

The said committee having also considered a petition of lieutenant-col. Crenis, brought in a report: Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of lieutenant-col. Crenis, for 600 dollars, in full for his services whilst employed in the army of the United States.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Benjamin Armitage, for superintending the making of paper for loan-office certificates, from September 22d, to November 12th, 1778, 260 dollars :

That there is due to John Bates, for three fire-hoods for the treasury and commissioners' office, 62 dollars :

That there is due to Michael Hay, for riding express to Morris-town in March, 1777, 20 dollars :

*Ordered*, That the said accounts be paid.

Mr. Duane, a delegate from New-York, attended, and produced the credentials of the delegates of that state, which were read as follows :

“ STATE OF NEW-YORK,

“ *In Assembly, Thursday, October 15, 1778.*

“ A message from the honorable the senate, by Mr. Park, and in the words following, to wit :

“ STATE OF NEW-YORK. IN SENATE, *October 15, 1778.*

“ *Resolved*, That if the hon. house of assembly concur herein, the number of delegates from this state in general Congress be five : that three of them at least statedly attend, and that any two of the three attending, be authorized to represent this state.

“ *Ordered*, That Mr. Parks carry a copy of the foregoing resolution to the honorable house of assembly.

“ A true copy from the minutes :

“ ROBERT BENSON, *Clerk.*

“ *Resolved*, That this house do concur with the hon. senate in their resolution of this day, on the subject of electing delegates to the general Congress.

“ *Ordered*, That Mr. Vrooman and Mr. J. Clarke carry a copy of the above resolution of this house to the honorable senate.

“ *Friday, nine o'clock, A. M. October 16, 1778.*

“ *Resolved*, That the hon. James Duane, Gouverneur, Morris, Philip Schuyler, William Floyd, and Francis Lewis, esqrs. be, and they are hereby declared duly nominated and appointed delegates to represent this state in the general Congress of the United States of America.

“ By order of the house :

“ WALTER LIVINGSTON, *Speaker.*

“ A similar resolution from the senate was read.

“ Signed by order of the senate :

“ PIERRE VAN CORTLANDT, *President.*”

The board of war, to whom was referred the letter from colonel Melchior, barrack-master, brought in a report, which being read :

**Ordered,** That the first part be re-committed.

The previous question being moved on the second, was carried in the affirmative, that the question thereon be not now put.

A report from the board of war, on the letter of the 14th from gen. Washington, and the copy of sir Henry Clinton's letter of the 10th, relative to an exchange of the convention troops, being read :

**Resolved,** That gen. Washington be empowered and directed to appoint commissioners, and fix the time and place of their meeting, to confer with the commissioners appointed or to be appointed by sir Henry Clinton, or other the commander in chief of the British forces in America, on behalf of his Britannic majesty, on the exchange proposed by sir Henry Clinton in his letter to gen. Washington of the 10th instant, of the officers in the service of these states, now prisoners in the actual possession of the enemy, or out on parole, for the officers and men of the troops of the convention, according to their ranks and numbers, officers of equal rank to be first exchanged : after which, if it shall be necessary, an equivalent of inferior for superior officers, and, if agreeable to such equivalent, all the officers of the army shall be exchanged, and a balance of officers remain in their hands, then an equivalent of privates to be given in exchange for such officers, shall be settled according to the customary proportion, or such proportion as may be agreed on. The commissioners so to be appointed, by virtue hereof, to make report of their proceedings to gen. Washington, who is hereby fully authorized and empowered finally to ratify the terms of the said exchange on behalf of these United States.

**Resolved,** That gen. Washington be directed to call for gen. Burgoyne and other officers of the convention troops now prisoners to these United States on parole, whenever the interest of these United States shall, in his opinion, render it necessary.

Mr. M'Kean laid before Congress, in writing, an information of personal abuse he last night received from brigadier Thompson, on account of his conduct in Congress, and of abusive, disrespectful, and contemptuous expressions uttered by the said brigadier Thompson against Congress Whereupon,

**Ordered,** That brigadier Thompson attend at the bar of this house to-morrow morning at eleven o'clock, to answer the charge brought against him by the hon. Thomas M'Kean, esq. a member of this house ; and that the said brig. gen. Thompson be furnished with a copy of the charge against him.

A letter, of the 11th, from general Washington, was read :

**Ordered,** That it be referred to the committee on the letters from the marquis de la Fayette.

A letter, of the 10th, from col. R. H. Harrison, was read, expressing his obligations to Congress for the honor done him by appointing him a member of the board of war, and informing, that the difficulties which operated against his accepting a seat in the board of war still prevail in his mind, and compel him again to decline the appointment.

The committee on the treasury brought in a report ; Whereupon,

**Resolved,** That the commissioners of the continental loan-office of the United States be respectively directed to receive for loan-office certificates, such bills of credit only as have been or may be emitted by Congress ; any resolution to the contrary notwithstanding.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 20, 1778.

**Resolved,** That Mr. M. Smith be appointed a member of the marine committee for the state of Virginia.

A letter, of the 5th, from gen. Washington to major Washington, of col. Moylan's dragoons, was laid before Congress, and read ; Whereupon,

*Resolved*, That major Washington be promoted to the rank of lieutenant-colonel, in the room of lieutenant-colonel Bird, of col. Baylor's dragoons, resigned; and that he proceed to Bristol and take the command of col. Baylor's regiment.

A letter, of this day, from H. Beekman Livingston, col. of the 4th battalion of New-York forces, was read, requesting leave to resign his commission:

*Ordered*, That it be referred to the board of war.

A letter, of the 19th, from S. Deane, esq. was read, enclosing a letter of July 22d, to him, from J. Williams, at Passy, near Paris.

According to order, brigadier-general Thompson attending, was called in, and the information and charge exhibited against him being read, and brigadier Thompson being called upon to answer, denied the charge: Whereupon, he was ordered to withdraw, and accordingly withdrew.

*Resolved*, That Congress meet on Monday next, at 6 o'clock, P. M. to examine witnesses respecting the charge against brigadier Thompson:

That brigadier-general Thompson be directed to attend at that time with his witnesses:

That the secretary issue a summons to William Augustus Atlee, esq. John Evans, esq. col. Joseph Deane, capt. John Purviance, Mr. Thomas Bradford and Paul Fooks, esq. respectively, to attend this house on Monday next, at 6 o'clock, P. M. to give evidence in the case above-mentioned.

A letter, of the 7th, and one of the 9th, from major-general Lincoln, at Williamsburgh, were read:

*Ordered*, That the letter of the 7th, and the last paragraph of the letter of the 9th, be referred to the board of treasury.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

A memorial from the hon. the minister plenipotentiary of France, was read, respecting the publication of the treaties of commerce and alliance.

Adjourned to ten o'clock to-morrow.

#### SATURDAY, November 21, 1778.

A letter, of the 14th, from colonel Hartley, at Fort-Jenkins, on the north-east branch of Susquehanna, and one of the 16th, from gen. Washington, enclosing a copy of a letter of the 13th, from brigadier Hand, respecting an attack on col. Alden's regiment in Cherry-Valley; also another of the 16th, from gen. Washington, enclosing a memorial from brigadier du Portail, on a general system of fortification for the United States; were read:

*Ordered*, That the last letter from gen. Washington be referred to the board of war, and that the memorial therein enclosed, be referred to the marine committee.

*Resolved*, That Mr. Roberdeau be appointed a member of the marine committee for the state of Pennsylvania.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, and have made some progress, but not having come to a conclusion, desire leave sit again:



**Resolved,** That on Monday next, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock on Monday.

MONDAY, November 23, 1778.

A memorial from brigadier William Thompson was read; Whereupon, a motion was made as follows:

A memorial from brigadier William Thompson having been read, and it appearing that the said memorial contains opprobrious language against, and scandalous reflections upon, the character of a member present in Congress,

**Resolved,** that the said brigadier William Thompson has, by offering the said memorial, been guilty of an insult to the honor and dignity of this house, and a breach of privilege:

On which the previous question was moved.

And the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire,</i> Mr. Whipple,	no	*	<i>Delaware,</i>	Mr. M'Kean,	no	no
<i>Mass's-Bay,</i> Mr. S. Adams,	no	}	<i>Maryland,</i>	Mr. Paca,	no	}
Gerry,	no			Carmichael,	ay	
Lovell,	no			Henry,	ay	
Holten,	no		<i>Virginia,</i>	Mr. F. L. Lee,	no	
<i>Rhode-Island,</i> Mr. Ellery,	ay	}		M. Smith,	no	}
Collins,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
<i>Connecticut,</i> Mr. Sherman,	no	}		Harnett,	ay	}
Ellsworth,	ay			Williams,	no	
<i>New-York,</i> Mr. Lewis,	ay	*	<i>S.-Carolina,</i>	Mr. Laurens,	no	}
<i>New-Jersey,</i> Mr. Scudder,	no	}		Drayton,	ay	
<i>Pennsylvania,</i> Mr. Roberdeau,	no			Hutson,	no	
Clingan,	no	}				
	no					

So it passed in the negative.

The main question was then put, and the yeas and nays being required by Mr. Paca,

<i>New-Hampshire,</i> Mr. Whipple,	ay	*	<i>Delaware,</i>	Mr. M'Kean,	ay	ay
<i>Mass's-Bay,</i> Mr. S. Adams,	ay	}	<i>Maryland,</i>	Mr. Paca,	ay	}
Gerry,	ay			Carmichael,	no	
Lovell,	ay			Henry,	no	
Holten,	ay		<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Rhode-Island,</i> Mr. Ellery,	no	}		M. Smith,	ay	}
Collins,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	
<i>Connecticut,</i> Mr. Sherman,	ay	}		Harnett,	no	}
Ellsworth,	no			Williams,	ay	
<i>New-York,</i> Mr. Lewis,	no	*	<i>S.-Carolina,</i>	Mr. Laurens,	ay	}
<i>New-Jersey,</i> Mr. Scudder,	ay	}		Drayton,	ay	
<i>Pennsylvania,</i> Mr. Roberdeau,	ay			Hutson,	ay	
Clingan,	ay	}				
	ay					

So it was resolved in the affirmative.

SIX O'CLOCK, P. M.

A report from the board of war was read; Whereupon,

**Resolved,** That the sum of 10,000 dollars be advanced to lieutenant-col. Temple, of the 1st regiment of light dragoons, to discharge the arrears of pay due to the said regiment, and to re-inlist such of the men whose times are about expiring:

That the men so re-inlisted in the said regiment, on being furnished with the usual state bounty by the government of Virginia, shall be considered as a part of the quota of that state.

**Resolved,** That gen. Washington be empowered and directed to take such measures with respect to the officers of the convention of Saratoga, who are subjects of major-gen. Heath's letter of the 2d inst. and of brigadier Hamil-



ton's, of October 31st, enclosed in gen. Washington's letter of the 12th inst. as to him shall seem proper.

Another report from the board of war was read ; Whereupon,

*Ordered*, That the sum of 98 half johannes be paid by the treasurer to col. George Matthews, of the 9th Virginia regiment; he to be accountable; it being moneys advanced by him to the officers of the said regiment, when prisoners with the enemy :

That the commissary-general of prisoners be informed hereof, and that he be directed to certify to the treasury board the state of the officers' accounts, and deduct so much from the said sum as may appear to be due to them.

According to order, brigadier William Thompson, and the witnesses summoned, except Mr. Atlee, attending, were called in and examined ; after which brigadier Thompson, being heard, withdrew :

*Ordered*, That the consideration of this matter be postponed.

Adjourned to ten o'clock to-morrow.

### TUESDAY, November 24, 1778.

A letter, of the 13th, from gen. Washington, was read, relative to the inspectorship under baron Steuben :

*Ordered*, That it be referred to the board of war.

A letter, of the 23d, from B. P. Smith, Thomas Eddison, and George Bond, clerks in the secretary's office ; also, one of the 16th, from James Stevenson, Samuel Downe, and Moses Emerson, commissioners of accounts, were read :

*Ordered*, That they be referred to the board of treasury.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of lieutenant-colonel Benjamin Temple, for 377 dollars, to enable him to discharge the balances due on sundry purchases, and for making up clothing in pursuance of gen. Washington's orders of December 30th, 1777 ; the said lieutenant-colonel Temple to be accountable.

Mr. Vandyke, a delegate from the state of Delaware, attended and took his seat in Congress.

Congress took into consideration the report of the committee of arrangement ; and thereupon came to the following resolutions :

Whereas the settlement of rank in the army of the United States has been attended with much difficulty and delay, inasmuch as no general principles have been adopted and uniformly pursued :

*Resolved therefore*, That, upon any dispute of rank, the following rules shall be hereafter observed :

1. For determining rank in the continental line, between all colonels and inferior officers of different states, between like officers of infantry, and those of horse and artillery, appointed under the authority of Congress, by virtue of a resolution of September 16th, 1776, or by virtue of any subsequent resolution prior to January 1st, 1777, all such officers shall be deemed to have their commissions dated on the day last mentioned, and their relative rank with respect to each other, in the continental line of the army, shall be determined by their rank prior to the 16th day of September, 1776 : this rule shall not be considered to effect the rank of the line within any state or within the corps of artillery, horse, or among the 16 additional battalions, where the rank hath been settled ; but shall be the rule to determine the relative rank within the particular line of artillery, so far as the rank remains unsettled.

2. In the second instance preference shall be given to commissions in the new levies and flying-camp.

3. In determining rank between continental officers, in other respects equal, proper respect shall be had to their commissions in the militia, where they have served in the continental army for the space of one month.

4. All colonels and inferior officers appointed to vacancies since the 5th day of January 1777, shall take rank from the right of succession to such vacancies.

5. In all cases where the rank between two officers of different states is equal, or between an officer of state troops and one of cavalry, artillery, or of the additional battalions, the precedence is to be determined by lot.

6. All officers who have been prisoners with the enemy, being appointed by their state, and again enter into the service, shall do it agreeably to the following rule, that is to say : All of the rank of captains, and under, shall enter into the same regiment to which they formerly belonged ; and if the regiment is dissolved or otherwise reduced, they shall be entitled to the first vacancy in any regiment of the state in their proper rank, after the officers belonging to such regiment have been provided.

7. The rules of rank above laid down between officers of different states, are to govern between officers of the same state, except in cases where the state have laid down a different rule or already settled their rank.

8. A resignation shall preclude any claim or benefit from former rank under a new appointment.

Whereas from the alteration of the establishment and other causes, many valuable officers have been and may be omitted in the new arrangement, as being supernumerary, who, from their conduct and services, are entitled to the honorable notice of Congress, and to a suitable provision until they can return to civil life with advantage :

*Resolved therefore,* That Congress gratefully acknowledge the faithful services of such officers, and that all supernumerary officers be entitled to one year's pay of their commissions respectively, to be computed from the time such officers had leave of absence from the commander in chief on this account. And Congress do earnestly recommend to the several states to which such officers belong, to make such farther provision for them as their respective circumstances and merits may entitle them to.

*Resolved,* That all officers who have been in the service, and, having been prisoners with the enemy, now are or hereafter may be exchanged or otherwise released, shall, if appointed by the authority of the state, be entitled, in case of vacancy, to enter into the service of their respective state in such rank as they would have had if they had never been captured ; provided always, that every such officer do, within one month after his exchange or release, signify to the authority of the state to which he belongs, his release and his desire to enter again into the military service :

That every officer so released, and giving notice as aforesaid, shall, until entry into actual service, be allowed half-pay of the commission to which by the foregoing resolve he stands entitled ; provided always, that, in case of his receiving any civil office of profit, such half-pay shall thenceforth cease.

Whereas it will be for the benefit of the service that some rule for promotion be established : therefore,

*Resolved,* That it be recommended to the several states to provide, that in all future promotions officers rise regimentally to the rank of captain, and thence in the line of the state to the rank of colonel, except in cases where a preference may be given on account of distinguished merit.

*Resolved,* That no brevets be for the future granted, except to officers in the line or in case of very eminent services.

*Resolved,* That a brigadier, out of brigadiers of the infantry, be appointed by general Washington to command the cavalry.

*Resolved,* That pay-masters, not being of the rank of captains, quartermasters and adjutants, be entitled to receive 20 dollars per month subsistence money, in lieu of rations.

*Resolved,* That all officers and persons employed on the staff shall receive

for subsistence money, one-third of a dollar for each extra ration heretofore allowed them.

*Resolved*, That lieutenant-colonel Stevens, of the artillery, now holding that rank by brevet, be appointed a lieutenant-colonel of artillery ; and that his commission bear date from that of his brevet ; and that he be entitled to take command on the first vacancy that may fall in the artillery.

*Resolved*, That adjutants, pay-masters and quarter-masters, taken from the line, be again admitted into the rank they would have been entitled to, had they continued in the line : and such adjutants, pay-masters, and quarter-masters, not taken from the line, may be admissible into the line, in such subaltern ranks as, by a signed certificate from the field officers of their respective corps, they shall be deemed competent to.

*Resolved*, That the regiment commanded by col. Moses Hazen be continued on its original establishment ; and that no new appointments or promotions of officers be made therein until the farther order of Congress.

*Ordered*, That the committee of arrangement transmit to the board of war lists of the officers of the army, arranged by them in the several regiments and corps, specifying the time of their respective appointments or promotions to their present rank, to be registered in the war office ; and that commissions be issued to the said officers accordingly : and the secretary of the board of war is hereby ordered to transmit copies of the said arrangement to the commander in chief of the army.

*Resolved*, That the board of war be authorized to finish the arrangement of the army agreeably to the resolutions of Congress, and that the committee of arrangement furnish the board with such papers and documents as they are possessed of respecting the same ; and that all disputes about rank in the army be referred to the commander in chief, to be determined according to the rules of the army.

*Ordered*, That the board of war forthwith lay before Congress a list of the continental brigadiers and battalions, together with the states to which they respectively belong.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, November 25, 1778.

Mr. Roberdeau, Mr. Clingan, and Mr. Searle, three delegates for Pennsylvania, attended, and produced the credentials of the delegates of that state, which were read, and are as follows :

*" In General Assembly of Pennsylvania, Friday, November 20, 1778.*

The order of the day being called for and read, the house proceeded by ballot to the election of delegates in Congress for the ensuing year, when the following gentlemen were chosen, viz. Daniel Roberdeau, William Clingan, Edward Biddle, John Armstrong, William Shippen the elder, Samuel Atlee, and James Searle, esqrs.

Extract from the minutes,

JOHN MORRIS, *Clerk of the General Assembly.*"

*Resolved*, That Congress meet this afternoon at six o'clock.

*Ordered*, That William Augustus Atlee be summoned to attend Congress at that hour, to give evidence on the charge against brigadier William Thompson ; and that brigadier William Thompson be notified to attend.

A letter, of the 13th, from Charles Frederick Bedaulx, and one of the 2d, from major-general Sullivan, were read.

A letter, of the 18th, from gen. Washington, with sundry papers enclosed, relative to count Holkauski, and a letter of the 9th, from major-general baron de Kalb, respecting major Rogers, were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 22d, from C. Rodney, president of the state of Delaware, and one of October 23d, from Thomas Chittenden, were read.

Mr. Witherspoon, a delegate from the state of New-Jersey, attended, and laid before Congress powers to the delegates of that state to ratify the confederation, which were read, as follows :

“(L. S.) By his excellency William Livingston, esq. governor, captain-general, and commander in chief, in and over the state of New-Jersey and territories thereunto belonging, chancellor and ordinary in the same.

“To all to whom these presents shall come, greeting: know ye, that among the records in the secretary's office, in the state of New-Jersey, there is a certain instrument of writing purporting to be an act of the council and general assembly of the said state, which said act is contained in the words and tenor here following, to wit :

An act to authorize and empower the delegates of the state of New-Jersey in Congress, to subscribe and ratify the articles of confederation and perpetual union between the several states.

Whereas, articles of confederation and perpetual union, between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, signed in the Congress of the said states, by the hon. Henry Laurens, esq. their president, have been laid before the legislature of this state, to be ratified by the same if approved: and, whereas, notwithstanding the terms of the said articles of confederation and perpetual union are considered, as in divers respects, unequal and disadvantageous to this state, and the objections to several of the said articles lately stated and sent to the general Congress aforesaid, on the part of this state, are still viewed as just and reasonable, and sundry of them as of the most essential moment to the welfare and happiness of the good people thereof; yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that every separate and detached state interest ought to be postponed to the general good of the union; and moreover, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the inequality which now subsists:

*Sect. 1st.* Be it enacted by the council and general assembly of this state, and it is hereby enacted by the authority of the same, that the hon. John Witherspoon, Abraham Clark, Nathaniel Scudder, and Elias Boudinot, esqrs. delegates, representing this state in the Congress of the United States, or any one or more of them, be, and they hereby are authorized, empowered, and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the states aforesaid.

*Sect. 2d.* And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become conclusive as to this state, and obligatory thereon.

*Council Chamber, November 19, 1778.*

This bill, having been three times read in council,

*Resolved,* That the same do pass.

By order of the house,

W. LIVINGSTON, *President.*

*House of Assembly, November 20th, 1778.*

This bill, having been three times read in the house of assembly,

*Resolved,* That the same do pass.

By order of the house,

CALEB CAMP, *Speaker pro tem.*

All which, by the tenor of these presents, I have caused to be exemplified. In testimony whereof, the great seal of the said state of New-Jersey is here-

unto affixed, at Trenton, the 20th day of November, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independency of the United States of America.

WILLIAM LIVINGSTON.

By his excellency's command,

BOWLES REED, *Secretary.*"

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration, the propositions to them referred, and made some farther progress, but not having yet come to a conclusion, desire leave to sit again :

*Resolved*, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

SIX O'CLOCK, P. M.

A letter, of the 15th, from admiral Gambier, was read, relative to an officer of the king his master's ship, wrecked, as he says, in carrying a flag :

*Ordered*, That it be referred to the committee on the letter of October 30th, from commissary Beatty.

Mr. Frost, a delegate from New-Hampshire, attended, and produced a resolution of the general assembly of that state as follows :

"STATE OF NEW-HAMPSHIRE :

"*In the House of Representatives, October 31, 1778.*

"Voted and resolved, that any one of the delegates from this state to the honorable Continental Congress be, and hereby is authorized and empowered to represent this state in said Congress, at all times, in the absence of the other delegates from this state, until the articles of confederation of the United States shall be ratified by all the states.

"Sent up for concurrence,

"JOHN LANGDON, *Speaker.*

"IN COUNCIL, the same day, read and concurred,

"E. THOMSON, *Secretary.*

"A true copy, examined by

"E. THOMSON, *Secretary.*"

The hon. W. A. Atlee, one of the judges of the supreme court, being engaged on the bench in a trial in a capital case, could not attend agreeable to the summons : Whereupon,

Adjourned to ten o'clock to-morrow.

THURSDAY, November 26, 1778.

In pursuance of the powers to them granted, the delegates of New-Jersey signed the ratification of the articles of confederation and perpetual union.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 27, 1778.

A memorial from Abraham Whipple, and others, commanders in the continental navy ; also a memorial from sundry officers of marines, and a copy of a memorial from 27 officers in the navy, were read.

*Ordered*, That they be referred to the marine committee.



A letter from the hon. J. Adams, esq. was read, respecting the late lieut. Baron's family :

*Ordered*, That it be referred to the marine committee.

A letter, of the 21st, from gen. Washington, with sundry papers enclosed ; also one of the 26th, from baron Steuben, were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 28th, from gov. Livingston, of New-Jersey, and one of the 30th, from col. Hartley, at Sunbury, were read :

*Ordered*, That a copy of col. Hartley's letter be sent to gen. Washington.

A petition of capt. John Lightbourn, was read, setting forth the distresses of the inhabitants of Bermuda, and praying for liberty to carry thither bread, flour, and Indian corn :

*Resolved*, That the prayer of the petition be not granted.

A letter, of the 20th, from gen. Washington, was read, with a paper enclosed, respecting a regiment raised under the command of colonel Bedel :  
Whereupon,

*Resolved*, That the regiment under col. Bedel, be disbanded.

A memorial from Eleazer Wheelock, was read :

*Ordered*, That it be referred to the board of treasury.

A letter and memorial from Thomas Galbreath, were read :

*Ordered*, That they be referred to the board of war.

The committee to whom was referred a motion respecting col. Seth Warner's regiment, report,

That it appears by a resolution of December 21st, 1776, that officers were to receive pay on the new establishment from the time of their being appointed by the states ; and by a letter of the 10th instant, which they have received from Mr. Palfrey, pay-master general, and which accompanies this report, it appears that officers were paid accordingly ; the committee therefore are of opinion, that officers appointed by Congress to raise regiments, to serve for three years or during the war, previous to the 7th day of October, 1776, ought to receive additional pay from that time, and that the motion to them referred is proper, being as follows :

Whereas it is represented that the officers of col. Seth Warner's regiment, who engaged in the service for three years or during the war, previous to the 7th day of October, 1776, have not been allowed the additional pay made to the wages of officers by a resolution of Congress of that date, for the time between that day and the 1st day of January, 1777, the commanding officer of the northern department being then in doubt whether they were entitled to it by the said resolution :

*Resolved*, That if it shall be made to appear to the commanding officer in the northern department, that the said officers, or others in like circumstances, have not received the said additional pay, he order the same to be paid.

*Resolved*, That Congress agree to the said report.

*Resolved*, That two members be added to the committee on the memorial of Mr. Penet : the members chosen, Mr. F. L. Lee and Mr Searle.

According to order, Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and have made some further progress, but not having come to a conclusion, desire leave to sit again :

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

SATURDAY, November 28, 1778.

A letter, of this day, from Mr. de Francey, was read :



*Ordered*, That it be referred to a committee of three : the members chosen, Mr. M. Smith, Mr. Ellery and Mr. Drayton.

An appeal from the judgment of a court of admiralty for the state of Pennsylvania, on a libel "Thomas Houston, versus sloop Active," was lodged with the secretary and referred to the committee on appeals.

A memorial from lieutenant Héle was read.

The committee to whom was referred the letter of the 15th, from admiral Gambier, respecting an officer, commander of the Hotham, &c. reported the draught of a letter in answer thereto, which was taken into consideration and agreed to as follows :

"SIR, Your letter of the 15th inst. respecting the officers and crew of the Hotham sloop has been laid before Congress, and I am instructed to inform you, that as the manifestoes on board that vessel were of a seditious nature, and intended to open an unwarrantable correspondence, their being covered by a flag of truce is by no means an extenuation of the offence : that as no respect is due by the law of nations to a flag of truce when employed in illicit practices ; so, when detected, all the rights of a flag are forfeited ; nor does the accidental wreck of the vessel in question make any distinction in favor of those who navigated her : that the resolution of Congress, authorizing the seizure of the flag, being subsequent to the fact complained of in that resolution, requires no justification ; the fact must necessarily precede the complaint, and the measures for preventing the consequences of the fact : that addressing the manifestoin the first instance to Congress does not prove that it was not seditious, since it was at the same time addressed to the several assemblies of the United States, to the clergy, to the officers of the American army, and to the people at large ; which incontrovertibly shews it to be seditious and unwarrantable : that, notwithstanding the implied threat, that had there been greater danger in it than there is, Congress would nevertheless have adhered to such measures as are justified by reason and conducive to the general good.

I have the honor to be, &c."

Sundry reports from the board of treasury were laid before Congress ; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, in favor of major-general Thomas Mifflin, late quarter-master general, for 50,000 dollars, for the use of his department ; for which he is to be accountable :

On-passing this order, the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Roberdeau,	no	} ay
Frost,	no		Clingan,	ay	
<i>Massachusetts Bay</i> , Mr. S. Adams,	ay	} ay	Searle,	ay	} ay
Gerry,	ay		Mr. Carmichael,	ay	
Lovell,	ay		Henry,	ay	
Holten,	no	} div.	<i>Maryland</i> , Mr. F. L. Lee,	ay	} *
<i>Rhode-Island</i> , Mr. Ellery,	no		M. Smith,	ay	
Collins,	ay	} div.	<i>Virginia</i> , Mr. Penn,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	no		Harnett,	ay	
Ellsworth,	ay		Williams,	no	
<i>New-York</i> , Mr. Duane,	ay	} *	<i>S.-Carolina</i> , Mr. Laurens,	no	} no
<i>New-Jersey</i> , Mr. Scudder,	no		Drayton,	no	
			Hutson,	ay	

So it passed in the affirmative.

*Ordered*, That a warrant issue on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 50,000 dollars, in favor of Isaac Forster, esq. deputy director-general in the eastern district, for the use of his department ; for which he is to be accountable :

That another warrant issue on the treasurer in favor of Isaac Forster, esq. deputy director-general in the eastern district, for 25,000 dollars, to be paid

to James Davidson, for the use of the said department; the said deputy director-general to be accountable :

That a warrant issue on Nathaniel Appleton, esq. commissioner of the continental loan-office in the state of Massachusetts-Bay, for 300 dollars, in favor of David Mosely, it being advanced him on account of copper-plate printing; for which he is to be accountable :

That a warrant issue on the treasurer in favor of captain Isaiah Johnston, for 5084 dollars, to answer two sets of exchange, No. 36, for 500 dollars, and No. 37, for 4584 dollars, drawn by the late William Kennon, deceased, in favor of David Flower, dated April 14th, 1777; and that the said sum of 5084 dollars be charged to the account of the said William Kennon, deceased :

That a warrant issue on the treasurer in favor of Jonathan Dayton, esq. for 10,000 dollars, in discharge of a bill drawn by William Palfrey, esq. pay-master general, for that sum, in favor of the said Jonathan Dayton, dated October 18th, 1778, expressed to be for the use of the forces of the United States of America; the said pay-master general to be accountable :

That a warrant issue on the treasurer in favor of John Bailey, for 1000 dollars, in payment of a draught of major-general R. Howe, dated Charleston, South-Carolina, August 24th, 1778, in favor of capt. Rawleigh Downman, and endorsed by him for that sum, it being agreeable to a letter of advice, of the same date, from major-gen. R. Howe, who is to be accountable :

That a warrant issue on the treasurer in favor of col. John Cox. assistant quarter-master general, for 3,500,000 dollars, for the use of the department of major-gen. Green, quarter-master general, who is to be accountable :

That a warrant issue on the treasurer in favor of major-gen. Lee, for 1000 dollars advanced him: he to be accountable :

That a warrant issue on the treasurer in favor of capt. Richard Call, for 900 dollars, for the use of col. Benjamin Temple, to enable him to pay sundry balances due from the 1st battalion of light dragoons, in consequence of the orders of gen. Washington, of the 30th of December last; the said colonel Temple to be accountable :

That there be advanced to col. Benjamin Flower, commissary-general of military stores, 100,000 dollars, for the use of his department; for which he is to be accountable.

*Resolved*, That so much of the report as relates to a warrant on Thomas Smith, in favor of J. Cox, and an advance to Isaac Melchior, be postponed.

*Resolved*, That the several managers of the United States lottery be allowed, for their services whilst acting in that department, four dollars a day, previous to the 5th of February last; five dollars a day from that to the present time; and that their allowance for future services be determined at the close of the drawing of the second class.

The committee on the treasury, to whom was referred a part of the memorial of Robert Yauncey, cornet, of the first regiment of light dragoons, relating to 376 dollars, lost on the sudden retreat of the troops from Bound-Brook, the 13th of April, and which was part of a sum put into his hands for the purpose of paying such regiment, brought in a report; Whereupon,

*Resolved*, That the said sum of 376 dollars be allowed to Robert Yauncey, on the settlement of his account.

The committee to whom was referred the petition of George Rice, respecting a sum of public money lost at the battle of Brandywine, report, that they have taken the same into consideration, and, having examined witnesses, they find that the material facts therein set forth are true, and therefore are of opinion,

That a warrant issue on the treasurer in favor of the said captain George Rice, for 565 dollars, in full for his loss aforesaid :

*Resolved*, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the following persons, for superintending the money-press, &c. as follows :

To John Biddle, from July 30th to November 5th, 1778, 594 dollars ; to Isaac Snowden, for the same time, 594 dollars ; to Peter Thomson, for the same time, 594 dollars ; to Nathaniel Falconer, from September 14th to November 5th, 1778, 318 dollars ; to Isaac Howell, from October 13th to November 5th, 1778, 144 dollars ; to Isaac Harrison Freenock & Co. for sundry articles supplied for the use of the printers, &c. 204 30-90 dollars, making, in the whole, 2,448 30-90 dollars, for which a warrant should issue in favor of John Biddle :

*Ordered*, That the said accounts be paid.

A memorial from the magistrates and the overseers of the poor of the city of Philadelphia, was read, praying for a compensation for the use of the house of employment, occupied for a continental hospital :

*Ordered*, To lie on the table.

A letter, from Joseph March, of New-Hampshire, with a printed paper enclosed, was read.

*Ordered*, To lie on the table.

The committee to whom was referred major-general Heath's letter, of July 8th, with sundry papers relative to ensign Brown, brought in a report :

*Ordered*, That the consideration thereof be postponed to Tuesday next.

A letter, of this day, from Jonathan F. Morris, lieutenant in col. Proctor's regiment, was read, requesting leave to resign his commission :

*Resolved*, That he have leave, and that his resignation be accepted.

Adjourned to ten o'clock on Monday.

#### MONDAY, November 30, 1778.

On motion, *Resolved*, That Congress meet on Wednesday evening, at six o'clock, to consider the proceedings of the courts martial on the trials of major-general Lee, major-general Schuyler, and major-general St. Clair.

A letter, of the 23d, from gen. Washington, was read, enclosing a letter and memorial from major Whitcombe, together with sundry other papers relative to the attack on Cherry-Valley :

*Ordered*, That the memorial and letter from major Whitcombe be referred to the board of war.

Two affidavits, relative to the convention troops, were laid before Congress :

*Ordered*, That they be referred to a committee of three : the members chosen, Mr. Duane, Mr. Carmichael, and Mr. G. Morris.

A letter, of the 24th, from the board of war, was read, desiring an advance of 50,000 dollars :

*Ordered*, That it be referred to the board of treasury.

The board of war, to whom was referred the letter from R. Downman and G. Hancock, brought in a report : Whereupon,

*Ordered*, That the said letter be referred to the board of treasury.

A report from the board of war was read, respecting the quartering officers of the convention troops :

*Ordered*, That it be re-committed, and that the board be empowered and directed to give such orders in the premises as they in their judgment shall think most for the public interest and safety.

A letter, of the 26th, from the secretary of the board of war, was read, enclosing a list of the brigadiers and the regiments composing the several brigades :

*Ordered*, That it be re-committed.

A letter, of October 20th, from the board of war, was read, enclosing a letter of the 11th of the same month, from gen. Washington, and a letter of October 8th, from Samuel Nicholas, relative to the necessity of making provision for the clothing of the officers :

*Ordered*, That the letters enclosed be referred to the committee on the clothier's department.

*Resolved*, That Mr. Searle be added to the said committee.

The board of war having transmitted to Congress a copy of the agreement entered into with them by George Rice, for a tract of land, and erecting barracks for the convention troops in Virginia, together with a plan of the said barracks :

*Ordered*, That a copy of the agreement and plan be lodged with the board of treasury.

A report from the board of war, on the letter of October 26th, from major-general Sullivan, was read : Whereupon,

*Resolved*, That in all cases where forage is wanted for the troops, and cannot be purchased by the commissaries at reasonable rates, application be made to the executive and legislative authority of the state wherein the forage is required, or to some person or persons properly authorized by them for that purpose, for their interposition and assistance in procuring the necessary supplies :

That it be recommended to the governments of the states, wherein the army or any detachment or part thereof now is, or hereafter shall be, to take such measures, in aid of the forage-masters, who shall first use every endeavor to purchase the same, for the procuring sufficient quantities of forage, at reasonable rates, as shall, in their opinion, be effectual, and most likely to procure a speedy supply.

A report from the board of war, was read, on a letter of October 30th, from major-general Schuyler, on the subject of clothing in the store at Fort-Schuyler, directed to be sold to the friendly nations of Indians in the vicinity thereof : Whereupon,

*Resolved*, That the clothing now in store at Fort-Schuyler, purchased for account of the United States, be either sold for such reasonable prices as shall be deemed satisfactory to the Indians, or distributed gratis among such of them as are and have been faithful and steady in their attachment to these states, in such proportion and in such manner as shall be thought proper by the commissioners of Indian affairs in the northern department :

That the commissioners be directed to inform the Oneidas, our friends and allies, that Congress, ever mindful of their necessities, have ordered from France, a considerable time ago, and are in expectation of the speedy arrival of, a large assortment of Indian goods, suitable for, and adequate to the supply of their wants ; and that due notice will be given of the arrival of these goods, and proper places appointed for the disposal of them on reasonable terms to our brethren of the friendly nations :

That, in the mean time, it is expected that they will continue to bear with us with their accustomed fortitude and patience, the evils of this unjust war on the part of Britain, as they will enjoy with us all the benefits of that peace and security which will speedily be the result of our virtuous and successful endeavors.

A report from the board of war, on sundry letters and papers from brigadier M'Intosh, was read :

*Ordered*, That the same be re-committed.

A letter, of October 7th, from col. G. Morgan, was read, relative to damaged provisions in the magazine at Fort-Pitt :

*Ordered*, To lie on the table.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the com-

mittee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again :

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them. Adjourned to ten o'clock to-morrow.

**TUESDAY, December 1, 1778.**

Mr. Scudder, a delegate from New-Jersey, produced a letter dated November 6th, directed to him from John Hart, chairman of a meeting of the council and general assembly of the state of New-Jersey, held for the election of delegates, informing him, that he the said Nathaniel Scudder, together with the hon. Dr. John Witherspoon, John Fell, John Neilson, and Frederick Frelinghuysen, esqrs. were on that day elected delegates to represent that state in Congress.

A letter, of November 11th, from Elisha Sheldon, colonel, Samuel Blackden, lieutenant-colonel, Benjamin Talmad, major, and Josiah Stoddard, captain, of the second regiment of light dragoons, was read, representing, that lieutenant John Simonet de Valcour has served with reputation in the 2d regiment of cavalry since its first establishment ; that the rupture between France and England beginning to grow serious and interesting, lieutenant Simonet is desirous of rejoining the army of his most Christian majesty, and therefore requesting that Congress would promote lieut. Simonet to a captaincy in the cavalry, on condition of his leaving his present service, as an honorary compensation of his attachment and fidelity, with a saving to all his present senior officers their superiority of rank and command : Whereupon,

*Resolved*, That lieut. John Simonet de Valcour be promoted to the rank of captain by brevet, on the condition and with the saving in the above letter.

A letter, of November 25th, from brigadier count Pulaski, was read, enclosing the commission of count Julius de Montfort, major in brigadier count Pulaski's corps of horse and foot, called the legion, and informing that he has given him leave to quit the legion :

*Resolved*, That the commission of count Montfort be accepted.

A letter, of November 25th, from gov. Livingston, respecting clothing for the New-Jersey troops, and one of the 29th of the same month, from G. Morgan, agent for Indian affairs, respecting lands purchased of the Indians on the west side of the Ohio, were read :

*Ordered*, That they be referred to the board of war.

A letter, of November 28th, from baron Steuben, was read :

*Ordered*, That it be referred to the board of war, who are directed to pay an immediate and particular attention to the matter referred to in the letter, that the same may be carried into effect without delay.

A letter, of November 29th, from lieutenant-colonel Fleury, was read :

*Ordered*, That a copy of the said letter be sent to gen. Washington, and that he be desired to express his sentiments thereon.

A letter, of November 28th, from col. G. Morgan, was read ; Whereupon,

Congress took into consideration a report from the board of war of the 14th of August last, wherein the board sets forth,

That col. George Morgan, purchasing commissary for the western department, has represented to the board the necessity of preparing immediately for the laying up such magazines of provisions as shall be sufficient for the troops maintained for the defence of the western frontiers : that for the supply of 1500 men for ten months, 617,500 lb. of flour, a like quantity of fresh beef, or 494,000 lb. of pork, will be necessary : the cost of which, with 1500 gallons of whiskey, will amount to 204,000 dollars : that on account of the hostile Indians to the westward, and the northern tribes, particularly the Senecas, the number of men above stated will be necessary, including 150 for garrisoning Fort Randolph ; Whereupon,



**Resolved,** That col. George Morgan, commissary of provisions for the western district, be furnished with 204,000 dollars, to enable him to form magazines of provisions for the use of that department the year ensuing.

A letter, of November 30th, from S. Deane, esq. was read; Whereupon,

**Resolved,** That after to-morrow Congress will meet two hours at least each evening, beginning at six o'clock, Saturday evening excepted, until the present state of our foreign affairs shall be fully considered.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again:

**Resolved,** That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

### WEDNESDAY, December 2, 1778.

A letter, of November 28th, from J. Baynton, pay-master to the troops on the western frontiers, was read:

**Ordered,** That it be referred to the board of treasury.

A letter, of October 27th, and one of November 6th, from M. Weare, president of the council of New-Hampshire, were read, the latter enclosing the depositions of Samuel Davis and Ephraim Whitney, respecting a quantity of continental money said to be burned; also a memorial of John Hagerman and Matthew Hollenbach, respecting sums of continental money said to be lost and burned, were read:

**Ordered,** That the letter from Mr. President Weare, with the depositions enclosed, and the memorial of John Hagerman and Mr. Hollenbach, be referred to the board of treasury, and that the board report specially thereon.

A letter, of this day, from brigadier du Portail, was read:

**Ordered,** That it be referred to the board of war.

A letter, of November 26th, from gen. Washington, respecting Mr. John Dodge, was read:

**Ordered,** That it be referred to the board of war.

A notification from the honorable the minister plenipotentiary of France, respecting the authentication of papers, was read.

A letter, of July 16th, from the hon. A. Lee, to the committee of foreign affairs, was laid before Congress, and read.

A memorial from baron Thulier was read; Whereupon,

Congress took into consideration a report of the committee on the memorial of marquis de Britigny and baron Thulier, and after debate,

**Ordered,** That it be re-committed.

**Ordered,** That the letter of the 25th, from count Pulaski, be referred to the board of war.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

**Resolved,** That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Congress took into consideration a report from the marine committee respecting captain Barry, and after debate,

**Ordered,** That it be re-committed.

Congress took into consideration the report of the committee on the letter from major-general Heath, and the papers enclosed relative to ensign John Brown, and after debate,

**Ordered,** That the farther consideration thereof be postponed.



SIX O'CLOCK, P. M.

Congress took into consideration the proceedings of the court-martial on the trial of major-general Lee, and a motion was made,

That the sentence of the general court-martial upon major-general Lee be carried into execution :

On a question to postpone the consideration of that motion,

The yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Maryland</i> ,	Mr. Paca,	ay	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	ay			Carmichael,	ay	ay
	Lovell,	ay		Henry,	ay	
	Holten,	ay	<i>Virginia</i> ,	Mr. F. L. Lee,	ay	ay
<i>Rhode-Island</i> , Mr. Collins,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>Connecticut</i> ,	Mr. Sherman,	no		Harnett	ay	no
	Ellsworth,	no		Williams,	no	
<i>New-York</i> ,	Mr. Duane,	no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	no
	G. Morris,	ay		Drayton,	no	
	Lewis,	no		Hutson,	ay	
<i>New-Jersey</i> ,	Mr. Scudder,	no				
<i>Pennsylvania</i> ,	Mr. Clingan,	no				
	Searle.	ay				

So it passed in the negative.

After further debate,

Adjourned to ten o'clock to-morrow.

THURSDAY, *December 3*, 1778.

A letter, of November 19th, from major-general Heath, enclosing a list of the convention troops, was read :

*Ordered*, That the same be referred to the board of war.

A letter, of November 27th, from general Washington, was read :

A letter, of November 20th, and a memorial from brigadier la Neuville, were read :

A letter of November 23d, from general Washington, enclosing a letter to him from J. Bowdoin, at Boston ; one of November 29th, from governor Livingston, of New-Jersey ; one of November 3d, from the council of Massachusetts-Bay, and one of November 16th, from governor Trumbull, of Connecticut ; all brought by and respecting John Temple ; were read.

The board of war to whom was re-committed the returns of the brigadiers and regiments composing the brigades in the service of the United States, sent in another return, amended and explained.

SIX O'CLOCK, P. M.

Congress took into consideration the proceedings of the general court-martial, on the trial of major-general Schuyler ; Whereupon,

*Resolved*, That the sentence of the general court-martial acquitting major-general Schuyler, with the highest honor, of the charges exhibited against him, be, and hereby is, confirmed.

*Ordered*, That the proceedings of the said court-martial be published.

*Ordered*, That the above resolution be transmitted to the commander in chief.

*Ordered*, That the consideration of the proceedings of the general court-martial on the trial of major-general St. Clair be postponed.

*Ordered*, That the letter of the 15th, from admiral Gambier, with the answer thereto, be published.

Adjourned to ten o'clock to-morrow.

FRIDAY, *December 4*, 1778.

A letter, of the 23d, from major Aug. des Epiniers, was read, requesting leave of absence for a few months, on account of private business, which requires his return to France ; Whereupon,

**Resolved,** That major Aug. des Epiniers have leave of absence for six months.

Congress resumed the consideration of the letter from brigadier de la Neuville; Whereupon,

**Ordered,** That a certificate be given by the president to Mons. de la Neuville in the words following:

Mr. de la Neuville having served with fidelity and reputation in the army of the United States, in testimony of his merit, a brevet commission of brigadier has been granted to him by Congress, and, on his request, he is permitted to leave the service of these states and to return to France.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their further consideration the propositions referred to them, and made some progress, but not having come to a conclusion, desire leave to sit again.

**Resolved,** That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

**Resolved,** That lieutenant Henry P. Livingston be promoted to the rank of captain in the corps of general Washington's guards, in the room of captain Gibbs, lately promoted to the rank of major.

SIX O'CLOCK, P. M.

Congress resumed the consideration of the proceedings of the general court-martial on the trial of major-general Lee, and the motion made thereon: when the question was about to be put, the determination thereof was put off by the state of Georgia till to-morrow.

Adjourned to ten o'clock to-morrow.

SATURDAY, December 5, 1778.

A letter, of this day, from J. Connolly, was laid before Congress:

**Ordered,** That it be referred to the board of war.

A letter, of the 3d, from captain Cosmo Medici, was read:

**Ordered,** That it be referred to the commissioners of claims at the board of treasury.

A letter, of November 23d, from brigadier count Pulaski, was read, together with a memorial from sundry inhabitants of the Minisinks, respecting the difficulty of procuring forage for the horses of the legion:

**Ordered,** That the same be referred to the board of war.

A letter, of the 1st, from major-general lord Stirling, was read:

A letter, of the 23d, from gov. Henry, of Virginia, was read:

**Ordered,** That it be referred to the marine committee.

A letter, of November 13th, from the council of Massachusetts-Bay, was read, respecting the eastern Indians:

**Resolved,** That the president write to the council of Massachusetts-Bay, and inform them, that it is the desire of Congress that they comply with the request of the Indians in sending them a priest.

Mr. Fell, a delegate from New-Jersey, attended, and produced the credentials of the delegates of that state, which were read as follows:

"NEW-JERSEY, November, 1778.

The council and assembly met at Trenton, and in joint meeting proceeded to the election of five delegates to represent this state in Congress, and the votes being taken, the hon. John Witherspoon, Nathaniel Scudder, Frederick Frelinghausen, John Fell and John Neilson, esqrs. were duly elected:

**Resolved, therefore,** That the said John Witherspoon, Nathaniel Scudder, Frederick Frelinghausen, John Fell and John Neilson, esqrs. or any two or more of them, be empowered to represent and vote in behalf of this state

unto affixed, at Trenton, the 20th day of November, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independency of the United States of America.

WILLIAM LIVINGSTON.

By his excellency's command,

BOWLES REED, *Secretary.*"

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration, the propositions to them referred, and made some farther progress, but not having yet come to a conclusion, desire leave to sit again :

*Resolved*, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

SIX O'CLOCK, P. M.

A letter, of the 15th, from admiral Gambier, was read, relative to an officer of the king his master's ship, wrecked, as he says, in carrying a flag :

*Ordered*, That it be referred to the committee on the letter of October 30th, from commissary Beatty.

Mr. Frost, a delegate from New-Hampshire, attended, and produced a resolution of the general assembly of that state as follows :

"STATE OF NEW-HAMPSHIRE :

" *In the House of Representatives, October 31, 1778.*

" Voted and resolved, that any one of the delegates from this state to the honorable Continental Congress be, and hereby is authorized and empowered to represent this state in said Congress, at all times, in the absence of the other delegates from this state, until the articles of confederation of the United States shall be ratified by all the states.

" Sent up for concurrence,

" JOHN LANGDON, *Speaker.*

" IN COUNCIL, the same day, read and concurred,

" E. THOMSON, *Secretary.*

" A true copy, examined by

" E. THOMSON, *Secretary.*"

The hon. W. A. Atlee, one of the judges of the supreme court, being engaged on the bench in a trial in a capital case, could not attend agreeable to the summons : Whereupon,

Adjourned to ten o'clock to-morrow.

THURSDAY, November 26, 1778.

In pursuance of the powers to them granted, the delegates of New-Jersey signed the ratification of the articles of confederation and perpetual union.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 27, 1778.

A memorial from Abraham Whipple, and others, commanders in the continental navy ; also a memorial from sundry officers of marines, and a copy of a memorial from 27 officers in the navy, were read.

*Ordered*, That they be referred to the marine committee.

A letter from the hon. J. Adams, esq. was read, respecting the late lieut. Baron's family :

*Ordered*, That it be referred to the marine committee.

A letter, of the 21st, from gen. Washington, with sundry papers enclosed ; also one of the 26th, from baron Steuben, were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 28th, from gov. Livingston, of New-Jersey, and one of the 20th, from col. Hartley, at Sunbury, were read :

*Ordered*, That a copy of col. Hartley's letter be sent to gen. Washington.

A petition of capt. John Lightbourn, was read, setting forth the distresses of the inhabitants of Bermuda, and praying for liberty to carry thither bread, flour, and Indian corn :

*Resolved*, That the prayer of the petition be not granted.

A letter, of the 20th, from gen. Washington, was read, with a paper enclosed, respecting a regiment raised under the command of colonel Bedel : Whereupon,

*Resolved*, That the regiment under col. Bedel, be disbanded.

A memorial from Eleazer Wheelock, was read :

*Ordered*, That it be referred to the board of treasury.

A letter and memorial from Thomas Galbreath, were read :

*Ordered*, That they be referred to the board of war.

The committee to whom was referred a motion respecting col. Seth Warner's regiment, report,

That it appears by a resolution of December 21st, 1776, that officers were to receive pay on the new establishment from the time of their being appointed by the states ; and by a letter of the 10th instant, which they have received from Mr. Palfrey, pay-master general, and which accompanies this report, it appears that officers were paid accordingly ; the committee therefore are of opinion, that officers appointed by Congress to raise regiments, to serve for three years or during the war, previous to the 7th day of October, 1776, ought to receive additional pay from that time, and that the motion to them referred is proper, being as follows :

Whereas it is represented that the officers of col. Seth Warner's regiment, who engaged in the service for three years or during the war, previous to the 7th day of October, 1776, have not been allowed the additional pay made to the wages of officers by a resolution of Congress of that date, for the time between that day and the 1st day of January, 1777, the commanding officer of the northern department being then in doubt whether they were entitled to it by the said resolution :

*Resolved*, That if it shall be made to appear to the commanding officer in the northern department, that the said officers, or others in like circumstances, have not received the said additional pay, he order the same to be paid.

*Resolved*, That Congress agree to the said report.

*Resolved*, That two members be added to the committee on the memorial of Mr. Penet : the members chosen, Mr. F. L. Lee and Mr Searle.

According to order, Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and have made some further progress, but not having come to a conclusion, desire leave to sit again :

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

SATURDAY, November 28, 1778.

A letter, of this day, from Mr. de Francey, was read :

" The people of the state of New-York, by the grace of God free and independent, to all to whom these presents shall come, send greeting :

" Whereas our senate and assembly of our said state, did, by their concurrent resolutions of the 21st day of October last, declare, that a special occasion did then exist in which the chancellor and judges of the supreme court might be elected delegates to the general Congress, and that of the chancellor and judges, one should be elected a delegate on such special occasion ; and also by concurrent resolutions of the 4th day of this instant, month of November, did resolve to proceed severally to nominate, in the mode prescribed in and by the 30th article of the constitution of this state, of the chancellor and judges of the supreme court, one as a delegate to represent this our state in the Congress of the United States of America, on such special occasion, to continue in office until the 1st day of March next, and did thereupon proceed to the said nomination, and did nominate and appoint, in the mode prescribed by the said article, John Jay, esq. our chief justice of our supreme court of judicature, a delegate to represent this our state in the Congress of the United States of America on the present special occasion : now, therefore, know ye, that in pursuance of such nomination and appointment, we do, by these presents, commissionate the said John Jay, esq. a delegate to represent this our state in the Congress of the United States of America, on the present special occasion ; and do hereby authorize him to hold and exercise all the powers and authorities to the office or place of delegate belonging, by virtue of the said constitution and the nomination and appointment aforesaid ; to have and to hold the said office or place of delegate upon the present special occasion, unto the said John Jay, esq. for and during and until the first day of March next, and no longer. In testimony whereof, we have caused these our letters to be made patent, and the great seal of this our state to be hereunto affixed. Witness, our trusty and well beloved George Clinton, esq. our governor of our said state of New-York, general and commander in chief of all our militia, and admiral of the navy of the same, this 10th day of November, in the third year of our independence, and in the year of our Lord one thousand seven hundred and seventy-eight.

Signed,

GEORGE CLINTON,

With the great seal appendant and endorsed.

Passed the secretary's office by the special command, in writing, of his excellency the governor, this 15th of November, 1778.

JOHN MORIN SCOTT, *Secretary of the State.*"

The president informed Congress, that, on Saturday last, he received two letters from the hon. R. Izard : that, like the former, these letters contain matters of public and private nature ; but, as the house have determined not to receive extracts of letters, he submitted them entire, being persuaded that it is Mr. Izard's desire that all public matters should be communicated to them :

*Ordered*, That the letters be received.

The letters were accordingly received and read, viz. one of July 25th, and the other of September 12th, 1778, both dated at Paris, and enclosing No. 1, copy of a letter from the abbe Nicoli to Mr. Izard, dated July 28th, 1778 ; No. 2, Mr. Izard's answer, Paris, September, 1778 ; No. 3, Mr. Izard's letter to the plenipotentiaries at the court of France, Paris, August 25th ; No. 4, the plenipotentiaries' answer, August 25th and 27th ; No. 5, copy of Mr. Izard's letter to count de Vergennes, September 2d, 1778.

A letter from the hon. the minister plenipotentiary of France, was read :

*Ordered*, That it be referred to a committee of five : the members chosen, Mr. Drayton, Mr. S. Adams, Mr. G. Morris, Mr. Paca, and Mr. Jay.

A memorial from the honorable the minister plenipotentiary of France, was read, desiring to know the opinion of Congress respecting his offering a pre-

mium to owners of privateers that shall intercept masts and spars belonging to the enemy, coming from Halifax to New-York or Rhode-Island :

*Ordered*, That it be referred to the marine committee.

A letter, of the 25th of July last, from R. Izard, at Paris ; one of August 20th, from John Bonfield, at Bordeaux, and one of August 14th, from J. Adams, at Paris ; were laid before Congress by the committee of foreign affairs, and read.

A letter, of the 6th, from lieutenant-colonel Fleury, was read :

*Ordered*, That it be referred to the board of treasury.

A letter, of November 23d, from major-general Schuyler, was read

*Ordered*, That a copy thereof be sent to gen. Washington.

A letter, of the 4th, from gen. Washington, was read :

*Ordered*, That it be referred to the board of war.

A petition of Frederick Vernor, was read :

*Ordered*, That it be referred to the board of war.

A letter, of November 6th, from gov. Clinton, of New-York ; one of the 4th instant, from major-general lord Stirling ; and one of the 5th, from R. H. Harrison, were read.

*Ordered*, That the board of war furnish his excellency the president of the state of Pennsylvania with an abstract of the last general return of the army, so far as regards the troops of that state.

On motion, *Resolved*, That the hon. W. A. Atlee, be summoned to attend in Congress at half after six o'clock this evening, to give testimony relative to the charge against brigadier W. Thompson.

*Ordered*, That brigadier W. Thompson attend Congress on Monday the 21st instant.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of capt. Baldesqui, pay-master to brigadier count Pulaski's legion, for 10,000 dollars, to enable him to discharge sundry accounts due from the said corps ; brigadier count Pulaski to be accountable :

That a warrant issue on the treasurer in favor of Mr. Sherman, one of the delegates of Connecticut, for 1000 dollars ; for which the said state is to be accountable :

That a warrant issue on the treasurer in favor of Mr. E. Langworthy, one of the delegates of the state of Georgia, for 1500 dollars ; for which the said state is to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on the treasurer in favor of Joshua Messereau, commissary of prisoners in the state of Massachusetts-Bay, for 4000 dollars, to be charged to Elias Boudinot, esq. late commissary-general of prisoners, agreeably to his letter of the 28th of November last :

That, upon application from the board of war and ordnance, another warrant issue on the treasurer in favor of the said Joshua Messereau, for 1697 40-90 dollars, to be charged to John Beatty, esq. commissary-general of prisoners, agreeably to his letter of the 4th instant.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Edward Fox, for his pay as clerk to the board of treasury, from the 18th of May to the 17th of November, 1778, inclusive, and for sundry expenses and contingencies, 756 dollars :

That there is due to G. Reinhold, for blank books for the use of Congress, 44 45-90 dollars :

*Ordered*, That the said accounts be paid.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel " Griffin against the sloop George," was lodged with the secretary and referred to the committee on appeals.



## SIX O'CLOCK, P. M.

Col. Grayson was nominated by Mr. G. Morris as one of the commissioners of the board of war and ordnance, in the room of col. R. H. Harrison, who has declined that office.

According to order, the hon. W. A. Atlee attended, and having given his evidence respecting the charge against brigadier W. Thompson, was ordered to withdraw, and accordingly withdrew.

*Resolved*, That Silas Deane, esq. report to Congress, in writing, as soon as may be, his agency of their affairs in Europe, together with any intelligence respecting their foreign affairs which he may judge proper :

That Mr. Deane be informed, that if he hath any thing to communicate to Congress in the interim, of immediate importance, he shall be heard to-morrow evening, at six o'clock.

Mr. Deane, attending, was called in, and the foregoing resolutions read to him.

Adjourned to ten o'clock to-morrow.

TUESDAY, *December 8, 1778.*

A letter, of this day, from the board of war, was read :

*Ordered*, That it be referred to a committee of three : the members chosen, Mr. Ellery, Mr. Fell, and Mr. Searle.

A letter, of November 28th, from gov. Henry, of Virginia, was read :

*Ordered*, That it be referred to the marine committee.

A letter, from col. Armand, marquis de Rouerie, was read, enclosing sundry letters and testimonials in his favor :

*Ordered*, That the same be referred to the board of war.

A letter, of November 19th, from president Weare, of New-Hampshire, in favor of John Temple, was read :

*Ordered*, To lie on the table.

*Resolved*, That col. Grayson be, and he is appointed one of the commissioners of the board of war and ordnance, in the room of lieutenant-colonel R. H. Harrison.

Mr. Thomas Lawrence being recommended by the committee on the treasury to be a manager of the United States' lottery,

*Resolved*, That he be, and is appointed one of the managers of the United States' lottery.

The committee to whom the memorial of sundry merchants of Philadelphia, respecting goods taken under the authority of Congress, for the public service, immediately after the evacuation of that city by the enemy, and other papers relative to the said goods, were referred, brought in a report, which was read.

An account of Edward M'Fedging, was read :

*Ordered*, That it be referred to the commissioners of claims at the treasury.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again.

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, *December 9, 1778.*

Congress being met, the president took the chair, but before any business was entered on he arose, and having assigned sundry reasons why he could not continue longer to execute the office of president, he resigned, and immediately quitted the chair : Whereupon,

*Ordered*, That to-morrow be assigned for the election of a president.

Adjourned to ten o'clock to-morrow.

**THURSDAY, *December* 10, 1778.**

According to order, the house proceeded to the election of a president, and the ballots being taken, the hon. John Jay, esq. was elected.

A letter, of the 3d, from brigadier count Pulaski, was read :

*Ordered*, That so much thereof as relates to the settlement of his accounts, be referred to the auditors of accounts, at the treasury ; and that the remainder be referred to the board of war.

A letter from J. Connolly was laid before Congress :

*Ordered*, That it be referred to the board of war.

A memorial from capt. Jacobus Wynkoop, commander of the vessels on the lakes, was read :

*Ordered*, That it be referred to the marine committee.

The committee on the treasury brought in a report ; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the board of war and ordnance, for 50,000 dollars, being advanced on their application to Congress, the 24th ult. for which they are to be accountable :

That a warrant issue on the treasurer in favor of the marine committee, for 10,000 dollars, to enable them to pay a bill drawn on them by the navy board in the eastern district, in favor of John Langdon, esq. dated 31st of October last, for the above sum ; for which the said committee is to be accountable :

That a warrant issue on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 1225 dollars, in favor of James Stevenson, esq. commissioner of accounts in the eastern district, being for his pay to the 4th of January next :

That a warrant issue on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut, for 1738 dollars, in favor of Samuel Downe, esq. commissioner of accounts in the eastern district, being for his pay to the 4th of January next :

That a warrant issue on the said John Lawrence, esq. for 1670 dollars, in favor of Moses Emmerson, esq. commissioner of accounts in the eastern district, being his pay to the 4th of January next :

That a warrant issue on the treasurer in favor of lieutenant-col. Fleury, for 1085 dollars, in full of his pay before he joined the army, and of all other charges made in the account exhibited by him :

That a warrant issue on the treasurer in favor of Mr. R. Sherman, a delegate of the state of Connecticut, for 166 60-90 dollars ; for which the said state is to be accountable.

*Resolved*, That the 12 months' pay allowed to supernumerary officers of the army, by the resolution of the 24th of November last, be made up in the pay-rolls of the regimental pay-masters, and drawn from them by the said officers respectively.

In consequence of an adjustment by the commissioners of claims at the treasury, the auditor-general reports,

That there is due to lieutenant Ephraim Pennington's company of militia raised at York-town, Pennsylvania, for guarding the public offices to Philadelphia, &c. their pay for part of June, July, and August, 1778, with subsistence for the officers, 637 dollars :

That there is due to Paul Fooks, his pay as interpreter of languages, from the 2d of June to the 1st of December, 1778, inclusive, 600 dollars :

That there is due to John Fulton, for 31,250 sheets of paper, for loan-office certificates, 3162 30-90 dollars :

That there is due to Peter Shentz, for freight of provisions and necessaries from Monmouth county, in New-Jersey, to New-York, for the use of American prisoners there, between April, 1777, and July, 1778, 321 33-90 dollars :

That there is due to capt. Isaac Craig, for his subsistence when attending the laboratory at Carlisle, by order of brigadier Knox, from March 1st to July 13th, 1778, 408 dollars :

That there is due to captain Francis Proctor, for subsistence on the same command, from March 1st, to June 14th, 1778, 315 dollars :

That there is due to Benjamin Town, for printing 3000 copies of an address to the inhabitants of the United States, dated December 10th, 1776, 32 dollars :

That there is due to Edward M'Fedging, his pay as a private in col. Richardson's battalion of Maryland flying-camp, from August 2d, 1776, to May 19th, 1777, a great part of which time he was prisoner with the enemy, 64 40-90 dollars :

*Ordered*, That the said accounts be paid.

A report from the board of war was read ; Whereupon,

*Resolved*, That major Nicholas Rogers, who came from France with Mr. du Coudray, has served as aid-de-camp to major-general de Kalb, and has obtained honorable testimonies of his conduct, but from the situation of his private affairs, is obliged to leave the army, be promoted to the rank of lieutenant-colonel by brevet, as a reward for his services.

*Resolved*, That count Kolkauski have the rank of captain in general Pulaski's legion, with the pay of a lieutenant, in which latter capacity he is willing to do duty in the corps.

*Resolved*, That Mr. Charles Frederick Bedaulx be appointed lieutenant-colonel of the legion commanded by gen. Pulaski, agreeably to the recommendation of general count Pulaski.

The marine committee, to whom was referred the memorial from the hon. minister plenipotentiary of France, brought in a report ; Whereupon,

*Resolved*, That the president be directed to inform the minister of France, that Congress highly approve his wise attention to the depriving the common enemy of the naval stores they stand in need of, by giving a premium to privateers for the purposes mentioned in his memorial.

*Resolved*, That such continental vessels of war as shall capture any of the enemy's vessels, laden with masts or any other naval stores, bound from any part of Nova-Scotia to Rhode-Island or New-York, shall be entitled to the whole of the capture.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business,  
Adjourned to ten o'clock to-morrow.

FRIDAY, December 11, 1778.

A letter, of November 27th, from the marquis de la Fayette, in favor of the chevalier de Soutivieaux ; another of the same date, in favor of Mons. des Inars ; and a third of the same date, in favor of the chevalier de Treusson, were read :

*Ordered*, That they be referred to the board of war.

*Resolved*, That two members be added to the committee on the memorial from lieut. col. Oswald : the members chosen, Mr. Duane and Mr. Smith.

The board of war reported a new form of a commission to officers in the army of the United States, which was agreed to as follows :

THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED :

To

We, reposing special trust and confidence in your patriotism, valor, conduct and fidelity, do, by these presents, constitute and appoint you to be in the army of the United States ; you are therefore carefully and diligently to discharge the duties of by doing and performing all

manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as and you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or a committee of Congress for that purpose appointed, or a committee of the states, or commander in chief for the time being of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the committee of Congress before mentioned, or a committee of the states.

Dated at the day of 17 and in the year of our independence.

Witness

President of Congress.

Entered in the war-office.

A report from the board of war, on the memorial of colonel Swoope, was read; Whereupon,

*Resolved*, That the memorial of col. Swoope, relative to his demand for payment of moneys due for a number of arms taken by the enemy from the men of his regiment at Fort-Washington, be referred to the board of treasury.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

*Resolved*, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

*Resolved*, That a committee of three be appointed to report a proper allowance for the hon. gentlemen who have been or may be elected presidents of Congress, to defray the expenses incidental to the office: the members chosen, Mr. Gerry, Mr. Duane, and Mr. Drayton.

Sundry reports from the board of war were laid on the table.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

SATURDAY, December 12, 1778.

A letter, of November 11th, from W. Bingham, at Martinique, was read, enclosing a copy of a letter from him to gov. Burt, and the governor's answer, relative to the exchange of prisoners:

*Ordered*, That they be referred to a committee of three: the members chosen, Mr. Paca, Mr. Ellery and Mr. G. Morris.

A letter, of September 11th, from J. Adams, at Passy, was read:

*Ordered*, That it be referred to the committee of foreign affairs.

A letter, of the 11th, from Christopher Hele, was read; Whereupon,

*Resolved*, That lieutenant Hele be released from his confinement in the new gaol, and that the marine committee be directed to take his parole in the usual form, to continue in the city of Philadelphia.

A letter, of the 7th, from gen. Washington, was read:

A petition and representation from Robert Hardie; a petition of Elizabeth Wright; a petition of Mary Werts; and a memorial of the Rev. Adam Boyd; were read:

*Ordered*, That they be referred to the board of treasury.

A memorial of Margaret York, and a memorial of captain Cad. Jones, were read:

*Ordered*, That they be referred to the board of war.

A petition of John Gallard was read :

*Ordered*, That it be referred to the marine committee.

The committee appointed to report a proper allowance for the honorable gentlemen who have been or may be elected presidents of Congress, brought in a report, which was read.

The committee to whom the report of the committee on the memorials of marquis de Britigny and baron Thuliers, was re-committed, brought in a report :

*Ordered*, That Monday next be assigned for taking the same into consideration.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and had come to sundry resolutions thereon, which he was ready to report ;

*Ordered*, That the report be now received.

The report was accordingly received and read :

*Ordered*, That the same be taken into consideration on Monday next, at one o'clock.

Adjourned to ten o'clock on Monday.

#### MONDAY, December 14, 1778.

Mr. W. Hill and Mr. Burke, two delegates from North-Carolina, attended and took their seats in Congress.

A letter, of the 4th, from count Pulaski, and one of November 29th, from brigadier Varnum, requesting leave to resign his commission, were read :

*Ordered*, That they be referred to the board of war.

A letter, of the 8th, from Samuel Curson, was read, praying for a settlement of his accounts and discharge of the debt due to him by the United States.

*Ordered*, That it be referred to the committee of commerce, and that they settle Mr. Curson's accounts, and report the balance due thereon.

A memorial from the hon. the minister plenipotentiary of France, enclosing a declaration, was laid before Congress :

*Ordered*, That the declaration be translated and delivered to the marine committee, and that they take order thereon.

A paper of information, signed Edward Leger, and dated December 14th, 1778, was read ; Whereupon,

*Ordered*, That a committee of three be appointed to confer with his excellency the president of the state of Pennsylvania, and to take proper measures for detecting and securing persons of suspicious characters in Philadelphia : the members chosen, Mr. M'Kean, Mr. Drayton, and Mr. Duane.

*Ordered*, That the paper of information be referred to the said committee.

A letter, of November 14th, from gov. Johnson of Maryland, was read :

*Ordered*, That it be referred to the marine committee.

A letter, of the 5th, from R. H. Lee, was read, enclosing a letter of November 12th, from W. Cabell, with sundry depositions relative to the purchase of tobacco by Mr. Carter Braxton and Mr. Gabriel Penn.

*Resolved*, That a new committee of commerce be appointed, to consist of five members :

That any three of the members be empowered to transact business :

That the said committee be empowered to employ clerks and book-keepers, and that they take charge of all the books and papers of the secret committee, and the late committee of commerce ; and that they be empowered to call to account the said committees, and all other persons entrusted with public moneys for commercial purposes ; and in general to conduct the commercial affairs of the United States: the members chosen, Mr. Laurens, Mr. M. Smith, Mr. Lewis, Mr. Searle, and Mr. Fell.

**Ordered,** That the letter from Mr. R. H. Lee, and the papers accompanying it, be referred to the said committee.

The committee on the treasury brought in a report; Whereupon,

**Ordered,** That there be advanced to col. Isaac Melchior, barrack-master general, 50,000 dollars, for the use of his department, and for which he is to be accountable:

That a warrant issue on the treasurer in favor of Jeremiah Wadsworth, commissary-general of purchases, for 2,000,000 of dollars:

Another warrant in his favor on Thomas Harwood, esq. commissioner of the continental loan-office in the state of Maryland, for 200,000 dollars; and another warrant in his favor on Thomas Smith, esq. commissioner of the continental loan-office in the state of Pennsylvania, for 200,000 dollars; all which sums, amounting to 2,400,000 dollars, are for the use of the said commissary-general's department, and for which he is to be accountable:

That a warrant issue on the treasurer in favor of John Baynton, pay-master in the western district, for 50,000 dollars, for the use of his department, and for which he is to be accountable:

**Resolved,** That 10,000,100 dollars, in bills of credit, be emitted under the direction of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26th day of September, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

45,455 bills of 60 dollars each,	2,727,300	45,455 bills of 8 dollars each,	363,640
45,455 do. 50	2,272,750	45,455 do. 7	318,185
45,455 do. 40	1,818,200	45,455 do. 5	227,275
45,455 do. 30	1,363,650		
45,455 do. 20	909,100		10,000,100

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to capt. Henry Antis, and capt. Stephen Chambers, for their own and Mr. Moffet's expenses from Northumberland county, Pennsylvania, to Philadelphia, and while detained in this city, having been sent on public service to the board of war, 153 30-90 dollars:

That there is due to Andrew Paul, for his pay as corporal in capt. James Willing's company at New-Orleans, up to December 12th, 1778, and for his expenses from New-Orleans to Philadelphia, with despatches to Congress, 426 73-90 dollars:

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to col. James Livingston's regiment, from November 11th, to December 10th, inclusive, 60 dollars:

**Ordered,** That the said accounts be paid.

A motion being made for clothes for the battalion of North-Carolina forces, commanded by col. Hogan;

**Ordered,** That it be referred to the board of war, and that they report specially thereon.

Adjourned to ten o'clock to-morrow.

## TUESDAY, December 15, 1778.

Mr. Dyer and Mr. Root, two delegates from Connecticut, attended, and produced the credentials of the delegates of that state, which were read as follows:

### "STATE OF CONNECTICUT.

At a general assembly of the governor and company of the state of Connecticut, holden at Hartford by adjournment, on the 21st of October, Anno Domini, 1778.

**Resolved** by this assembly, that Roger Sherman, Titus Hosmer, Eliphalet



Dyer, Samuel Huntington, Oliver Ellsworth, Andrew Adams, and Jesse Root, esqrs. be, and they are hereby appointed delegates to represent this state in the Congress of the United States of America, for the year ensuing the 1st day of November next, not less than two of the said delegates to represent this state in Congress, and not more than four to attend at a time, on the charge of this state; and the said delegates are hereby invested with full power and authority to deliberate, counsel, and resolve upon all matters that shall come before Congress, agreeable to the articles of confederation, or in the manner hitherto used, until the same shall be completely settled, and to transmit authentic copies of their resolutions, from time to time, to this assembly; and the delegates appointed last October, are hereby desired and empowered to continue to represent this state in Congress, until two or more of those now elected shall arrive and take their seats there.

A true copy of record, **GEORGE WYLLYS, Secretary."**

A letter, of November 30th, from Jonathan Trumbull, jun. was read, signifying his acceptance of the office of comptroller, provided his attendance can be dispensed with till some time in January:

*Ordered*, That it be referred to the board of treasury.

A petition from Mr. Samuel Inglis, and a memorial of capt. Sutton, were read:

*Ordered*, That they be referred to the board of treasury.

A letter, of the 12th, from John Millar, was read, enclosing a draught of major-gen. R. Howe, in favor of Rawleigh Downman, for 1000 dollars:

*Ordered*, That it be referred to the board of treasury.

An affidavit of John Kennon, pay-master to the 6th Virginia regiment, was read, respecting money lost:

*Ordered*, That it be referred to the board of treasury.

A memorial of lieutenant Calhoun, was read:

*Ordered*, That it be referred to the board of war.

A letter, of the 4th, from gov. Henry, of Virginia, directed to the delegates of that state, was laid before Congress, and read:

*Ordered*, That it be referred to the marine committee.

The committee on the treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the board of war and ordnance, for 6300 dollars, to enable them to advance 4000 dollars to col. Hartley, for the use of his regiment, and 2300 dollars to capt. George Rice, who is building the barracks for the convention troops; the said board to be accountable.

On motion, *Resolved*, That the thanks of Congress be given to the hon. Henry Laurens, esq. late president, for his conduct in the chair, and in the execution of public business.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

WEDNESDAY, December 16, 1778.

A memorial from the honorable the minister plenipotentiary of France, was read, respecting the purchase of rice:

*Ordered*, That it be referred to the marine committee.

A letter, of November 26th, from captain Stoddard, was read:

*Ordered*, That it be referred to the marine committee.

A letter, of this day, from col. Armand, was read:

*Ordered*, That it be referred to the board of war.

A letter, of this day, from Mr. Laurens, was read, returning his most grateful thanks for the resolution of yesterday in his favor:

**Ordered,** That the resolution for returning thanks to the hon. H. Laurens, esq. late president, together with his letter of this day, be published.

**Ordered,** That Mr. Harnett, Mr. Williams, and Mr. Sherman, have leave of absence.

Congress took into consideration the report of the committee appointed to report a proper allowance for the honorable gentlemen who have been or may be elected presidents of Congress, to defray the expenses incidental to the office: Whereupon,

**Resolved,** That the representatives of the hon. Mr. Randolph, deceased, the hon. Mr. Middleton, the hon. Mr. Hancock, and the hon. Mr. Laurens, formerly presidents of Congress, be requested to lay before the board of treasury accounts of their expenditures in support of their households while they respectively exercised the office of president, in order to their being adjusted and paid out of the public treasury.

**Resolved,** That a convenient furnished dwelling-house be hired, and a table, carriage and servants provided, at the public expense, for the president of Congress for the time being:

That the committee on the treasury appoint and agree with a steward, who shall have the superintendence of the household of the president, and of the necessary expenditures, and be accountable for such monies as shall, from time to time, be advanced for the purpose aforesaid.

The committee on the treasury brought in a report; Whereupon,

**Ordered,** That a warrant issue on the treasurer in favor of Mr. C. Harnett, one of the delegates of North-Carolina, for 2000 dollars, advanced upon his application; for which the said state is to be accountable:

That a warrant issue on the treasurer in favor of Mr. J. Williams, one of the delegates of the state of North-Carolina, for 1700 dollars, advanced on his application; for which the said state is to be accountable.

A letter, of this day, from sundry merchants and traders of the city of Philadelphia, was read; Whereupon,

**Ordered,** That to-morrow be assigned for taking into consideration the report of the committee respecting goods taken for the public service, immediately after the evacuation of that city.

Congress took into consideration the report of the committee of the whole; Whereupon,

**Resolved,** That the resolution heretofore passed, relative to raising 10,000,000 of dollars by taxes, during the ensuing year, be re-considered, and that that sum be augmented to the sum of 15,000,000 of dollars.

**Resolved,** That it is necessary to take the following bills out of circulation, viz. the whole emissions of May 20th, 1777, and April 11th, 1778:

On the question to agree to this resolution,

The yeas and nays being required by Mr. Burke,

New-Hampshire, Mr. Whipple,	ay	}	ay	New-Jersey, Mr. Witherspoon,	ay	}	ay
Frost,	ay			Fell,	ay		
Mass'-tts-Bay, Mr. Gerry,	ay	}	ay	Pennsylvania, Mr. Roberdeau,	ay	}	ay
Lovell,	ay			Searle,	ay		
Holten,	ay			Delaware, Mr. M'Kean,	ay	}	ay
Rhode-Island, Mr. Ellery,	ay	}	ay	Maryland, Mr. Henry,	ay		
Connecticut, Mr. Sherman,	ay			Virginia, Mr. F. L. Lee,	ay	}	no
Dyer,	ay	}	ay	M. Smith,	no		
Ellsworth,	ay			N.-Carolina, Mr. Hill,	no	}	no
Root,	ay			Burke,	no		
New-York, Mr. Jay,	ay	}	ay	S.-Carolina, Mr. Laurens,	ay	}	ay
Duane,	ay			Drayton,	ay		
Lewis,	ay			Georgia, Mr. Langworthy,	no	}	no

So it was resolved in the affirmative.

**Resolved,** That the remainder of the report be postponed.

SIX O'CLOCK, P. M.

Congress took into consideration the memorial of the hon. the minister plenipotentiary of France; and thereupon,

*Resolved*, That the president be desired to inform the hon. sieur Gerard, that Congress approve his proposal of substituting 6000 barrels of rice in the room of the same quantity of flour, for supplying the fleet of his most Christian majesty:

That they are well satisfied with his employing such persons as he shall think proper, and in whom he can confide to make the purchase; and that Congress will always be ready to give him every assistance in their power to facilitate the purchase and exportation of supplies for his most Christian majesty's fleet:

That the president be desired to write to the president of South-Carolina, and inform him of the necessity of sending the said supply of rice to the fleet of his most Christian majesty, in the West-Indies, and request him to give every assistance in his power to the agent whom the hon. the minister plenipotentiary of France shall appoint to purchase and export the same for the purpose above-mentioned.

*Ordered*, That the marine committee be discharged from proceeding on the aforesaid memorial.

A report from the board of war was read; Whereupon,

*Resolved*, That col. Hartley's regiment and the four independent companies raised in the state of Pennsylvania, commanded by captains Doyle, Wilkie, Steel and Calkerwood, and also the remains of col. Patton's regiment, except capt. M'Lane's company, be incorporated into one regiment, and added to the Pennsylvania line, as an eleventh regiment, and that capt. M'Lane's company be annexed to the Delaware regiment.

Congress took into consideration the proceedings of the general court-martial on the trial of major-general St. Clair; Whereupon, a motion was made,

That the sentence of the general court-martial, acquitting major-general St. Clair, with the highest honor, of the charges exhibited against him, be, and is hereby confirmed:

To which an amendment was moved in the words following:

The sentence of the general court-martial acquitting major-general St. Clair, with the highest honor, of the charges exhibited against him, having been transmitted to Congress and considered; resolved, that he be accordingly discharged from his present arrest:

The question being put on the amendment,

The yeas and nays were required by Mr. Langworthy,

<i>N.-Hampshire</i> , Mr. Whipple,	no	no	<i>New-Jersey</i> , Mr. Witherspoon,	ay	div.
<i>Massa'tts-Bay</i> , Mr. S. Adams,	ay		Fell,	no	
Gerry,	no	ay	<i>Pennsylvania</i> , Mr. Roberdeau,	no	no
Lovell,	ay		Searle,	no	
<i>Rhode-Island</i> , Mr. Collins,	ay	ay	<i>Maryland</i> , Mr. Carmichael,	no	no
<i>Connecticut</i> , Mr. Sherman,	ay		Henry,	no	
Dyer,	ay	ay	<i>Virginia</i> , Mr. M. Smith,	no	*
Ellsworth,	ay		<i>N.-Carolina</i> , Mr. Hill,	no	no
Root,	ay		Burke,	no	
<i>New-York</i> , Mr. Jay,	no	n	<i>S.-Carolina</i> , Mr. Laurens,	ay	div
Duane,	no		Hutson,	no	
Lewis,	no		<i>Georgia</i> , Mr. Langworthy,	no	no

So it passed in the negative.

The main question being put, resolved in the affirmative.

*Ordered*, That this resolution be transmitted to the commander in chief. Adjourned to ten o'clock to-morrow.

THURSDAY, December 17, 1778.

A letter, of the 13th, from gen. Washington, was read:

**Ordered,** That it be referred to a committee of five : the members chosen, Mr. Laurens, Mr. M. Smith, Mr. G. Morris, Mr. S. Adams, and Mr. Burke.

Another letter, of the 13th, from gen. Washington, was read, respecting Mr. Fleury :

**Ordered,** That it be referred to the foregoing committee.

Another letter, of the 13th, from gen. Washington, was read :

A letter of this day, from lieutenant-colonel Bedaulx, and a memorial from F. Hopkinson, were read :

**Ordered,** That they be referred to the board of treasury.

A letter, of the 14th, from brigadier W. Thompson, at Carlisle, was read.

A petition from Claver Taylor, of Providence, in the state of Rhode-Island, &c. was read :

**Ordered,** That it be referred to a committee of three : the members chosen, Mr. Collins, Mr. T. Adams, and Mr. Dyer.

On motion, **Ordered,** That the resolutions of the 9th of September, and 21st of October last, in favor of the marquis de la Fayette, together with the letters written by the president in consequence thereof, and the marquis's answer, be published.

A report from the board of war was read, relative to the purchase of horses for remounting col. Baylor's regiment ; after debate,

**Ordered,** That the farther consideration thereof be postponed.

Congress resumed the consideration of the report of the committee of the whole, and after debate,

**Resolved,** That the farther consideration thereof be postponed.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business,  
Adjourned to ten o'clock to-morrow.

FRIDAY, *December 18, 1778.*

A letter, of the 17th, from J. Reed, president of Pennsylvania, enclosing a letter of November 29th, from Curson and Gouverneur, of St. Eustatia, with a bill of lading therein, for six boxes, containing 3000 pair of woollen stockings, for account and risque of the United States, was read :

**Ordered,** That the same be referred to the committee of commerce.

A petition and representation of Evan Malbone, sen. and Evan Malbone, jun. was read :

**Ordered,** That it be referred to the committee on the petition of Claver Taylor.

A letter, of the 17th, from major-general Lee, was read, desiring to be indulged with a copy of the minutes of Congress, relative to his trial.

A report from the board of treasury was read ; Whereupon, Congress came to the following order and resolution :

Whereas Dr. Wheelock has incurred expense in supporting a number of Indian youths, of the Caghnawaga tribe, at his school, which in times past has been the means of conciliating the friendship of that tribe :

**Ordered,** That a warrant issue on the treasurer in favor of lieutenant-colonel Wheelock, for 925 dollars, for the use of the said Dr. Eleazer Wheelock.

Whereas it is represented to Congress, that it will be more agreeable to adventurers in the lottery of the United States, to have the blanks drawn as well as the prizes ; and that the public will thereby have an opportunity, during the time of drawing, to purchase the tickets which may remain unsold at the commencement : therefore,

**Resolved,** That the managers be directed to draw the blanks, as well as the prizes, of the second class of the said lottery.

The committee to whom was referred gen. Washington's letter of the 13th, brought in a report : Whereupon,

**Resolved**, That gen. Washington be directed to attend Congress immediately after he shall have put the army in such order as to admit of his absence from it a few days.

A memorial from the managers of the United States' lottery, to the board of treasury, was laid before Congress and read: Whereupon,

A motion was made, that the drawing of the second class of the said lottery be deferred to the first day of April next: question put, passed in the negative.

Congress resumed the consideration of the report of the committee of the whole:

The second proposition being read, viz.

That they be brought in for that purpose, in the manner hereafter provided, by the first day of June next, and not afterwards redeemable.

Sundry amendments were moved and set aside by the previous question; after which a division was called for, and the question being put on the first clause, as far as the word "next" inclusive, the yeas and nays were required by Mr. M. Smith.

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	}	ay	
Frost,	ay			Fell,	ay				
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay	}	ay	<i>Pennsylvania</i> ,	Mr. Roberdeau,	ay	}	ay	
Gerry,	ay			Searle,	ay				
Lovell,	ay			<i>Delaware</i> ,	Mr. M'Kean,	ay			ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Maryland</i> ,	Mr. Carmichael,	ay	}	ay	
Collins,	ay			Henry,	ay				
<i>Connecticut</i> , Mr. Dyer,	ay	}	ay	<i>Virginia</i> ,	Mr. M. Smith,	no	}	*	
Ellsworth,	ay			<i>N.-Carolina</i> ,	Mr. Hill,	no			no
Root,	ay			Burke,	no	no			
<i>New-York</i> , Mr. Jay,	ay	}	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	}	ay	
Duane,	ay			Drayton,	ay	ay			
Lewis,	ay			Hutson,	ay	ay			

So it was resolved in the affirmative.

On the question to agree to the second clause, the yeas and nays being required by Mr. M. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	}	ay	
Frost,	ay			Fell,	ay				
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay	}	ay	<i>Pennsylvania</i> ,	Mr. Roberdeau,	ay	}	ay	
Gerry,	ay			Searle,	ay				
Lovell,	ay			<i>Delaware</i> ,	Mr. M'Kean,	ay			ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Maryland</i> ,	Mr. Carmichael,	no	}	no	
Collins,	ay			Henry,	no	no			
<i>Connecticut</i> , Mr. Dyer,	ay	}	ay	<i>Virginia</i> ,	Mr. M. Smith,	no	}	*	
Ellsworth,	ay			<i>N.-Carolina</i> ,	Mr. Hill,	no			no
Root,	ay			Burke,	no	no			
<i>New-York</i> , Mr. Jay,	no	}	no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	}	ay	
Duane,	ay			Drayton,	ay	ay			
Lewis.	no			Hutson,	ay	ay			

So it was resolved in the affirmative.

The third proposition was then read, viz.

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next:

A motion was made to strike out "for continental taxes:"

And on the question that they stand part of the report, the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	}	ay	<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay		
	Frost,	ay								Collins,	ay
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay	}	ay	<i>Connecticut,</i>	Mr. Dyer,	ay	}	ay		
	Gerry,	ay								Ellsworth,	ay
	Lovell,	ay								Root,	ay

<i>New-York,</i>	Mr. Jay,	no	} no	<i>Maryland,</i>	Mr Carmichael,	no	} no
	Duane,	ay			Henry,	no	
	Lewis,	no		<i>Virginia,</i>	Mr. M. Smith,	no	} *
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay	<i>N.-Carolina,</i>	Mr. Hill,	no	
	Fell,	ay			Burke,	no	} no
<i>Pennsylvania,</i>	Mr. Searle,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	
<i>Delaware,</i>	Mr. M'Kean,	ay			Drayton,	ay	} ay
					Hutson,	ay	

So it was resolved in the affirmative.

The main question being then put, resolved in the affirmative.

*Ordered,* That the farther consideration of the report be postponed till to-morrow.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business,  
Adjourned to ten o'clock to-morrow.

SATURDAY, December 19, 1778.

*Resolved,* That a committee of five be appointed to confer with the commander in chief and the principal officers of the staff, on ways and means of retrenching the expenses of the army: the members chosen, Mr. Duane, Mr. Laurens, Mr. Ellsworth, Mr. Gerry, and Mr. M. Smith.

Congress resumed the consideration of the report of the committee of the whole, when the fourth proposition was read, viz.

That they be received into the continental loan-offices, either for loan-office certificates or in order to be exchanged for other bills of like tenor to be provided, at the election of the owners, until the first day of June next:

To which an amendment was moved; after debate,

Adjourned to ten o'clock on Monday.

MONDAY, December 21, 1778.

Congress resumed the consideration of the report of the committee of the whole, when the following amendment was moved, in lieu of the fourth proposition;

That such bills be received into the treasury in order to be exchanged for bills of equal value, to be provided for the purpose of exchanging them on or before the first day of June next:

On the question to agree to the amendment,

The yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Frost,	no			Fell,	no	
<i>Maine's-Bay,</i>	Mr. Gerry,	no	} no	<i>Pennsylvania,</i>	Mr. Searle,	no	} na
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	no			Henry,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no	<i>Virginia,</i>	Mr. F. L. Lee,	no	
	Collins,	no			M. Smith,	ay	} *
<i>Connecticut,</i>	Mr. Dyer,	no	} no	<i>N.-Carolina,</i>	Mr. Hill,	ay	
	Ellsworth,	na			Burke,	ay	} ay
	Root,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	
<i>New-York,</i>	Mr. Jay,	no	} no		Drayton,	ay	} ay
	G. Morris,	no			Hutson,	no	
	Lewis,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay

So it passed in the negative.

A motion was then made to strike out the words "office certificates," and change "for" into "on;" question put, resolved in the affirmative.

A motion was then made to strike out the words "either on loan or;"

And on the question, that they stand part of the report,

The yeas and nays being required by Mr. Ellery,



<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	} ay
	Frost,			Fell,	ay	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay	} ay	<i>Pennsylvania</i> ,	Mr. Searle,	ay	} ay
	Lovell,		<i>Delaware</i> ,	Mr. M'Kean,	ay	
	Holten,		<i>Maryland</i> ,	Mr. Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay		Henry,	ay	} ay
	Collins,		<i>Virginia</i> ,	Mr. F. L. Lee,	no	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay		M. Smith,	ay	} no
	Ellsworth,		<i>N.-Carolina</i> ,	Mr. Hill,	no	
	Root,			Burke,	no	
<i>New-York</i> , Mr. Jay,	ay	} ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} ay
	G. Morris,			Drayton,	ay	
	Lewis,		<i>Georgia</i> ,	Hutson,	ay	
				Mr. Langworthy,	no	no

So it was resolved in the affirmative.

An amendment being made by transposition, and the question put on the proposition as amended,

*Resolved*, That they be received until the first day of June next, into the continental loan-offices, either on loan or to be exchanged, at the election of the owners, for other bills of the like tenor, to be provided for that purpose.

*Resolved*, That the bills lodged in the said offices, to be so exchanged, be there registered, and indented certificates thereof given to the owners by the respective commissioners of the said offices:

On the question to agree to this resolution, the yeas and nays being required by Mr. Jay,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	} ay
	Frost,			Fell,	ay	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay	} ay	<i>Pennsylvania</i> ,	Mr. Searle,	ay	} ay
	Lovell,		<i>Delaware</i> ,	Mr. M'Kean,	ay	
	Holten,		<i>Maryland</i> ,	Mr. Carmichael,	no	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay		Henry,	no	} no
	Collins,		<i>Virginia</i> ,	Mr. F. L. Lee,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay		M. Smith,	no	} no
	Ellsworth,		<i>N.-Carolina</i> ,	Mr. Hill,	no	
	Root,			Burke,	no	
<i>New-York</i> , Mr. Jay,	no	} no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} ay
	G. Morris,			Drayton,	ay	
	Lewis,		<i>Georgia</i> ,	Hutson,	ay	
				Mr. Langworthy,	no	no

So it was resolved in the affirmative.

Adjourned to ten o'clock to-morrow.

## TUESDAY, December 22, 1778.

The president informed the house that brigadier W. Thompson, agreeably to order, attended yesterday, and that he had signified a wish to be indulged till Wednesday, as he is desirous of having some witnesses examined: Whereupon,

*Ordered*, That to-morrow evening be assigned for proceeding on the charge against brigadier W. Thompson, and that he be notified to attend with his witnesses at 5 o'clock.

*Ordered*, That the secretary summon Mr. Samuel Smith, jun. and notify Mr. Searle to attend Congress at 5 o'clock on Wednesday evening, to give evidence on the charge against brigadier W. Thompson.

On motion, *Resolved*, That the secretary furnish major-gen. Lee with such extracts from the journal as relate to the proceedings of the general court-martial on his trial, and to the confirmation of the sentence.

A letter, of November 24th, from major-gen. R. Howe, was read, enclosing one of the 21st of the same month, from col. White, in Georgia, informing, that the enemy have invaded that state, and are advancing with about 1,100 men.

A letter, of the 20th, from col. Armand, marquis de Rouerie, was read :

**Ordered,** That it be referred to a committee of three : the members chosen, Mr. Duane, Mr. Ellery, and Mr. Carmichael.

A letter, of the 21st, from Mr. S. Deane, was read, informing Congress that he has committed to writing as particular an account of his agency of their affairs in Europe as his situation will permit him, and that he waits the pleasure of Congress to lay the same before them :

**Ordered** That Mr. Deane be informed that Congress will meet this evening at 6 o'clock, to receive his information, and that he attend at that time.

A letter, of the 16th, from gen. Washington, was read, enclosing a report of the commissioners by him appointed, to meet commissioners from sir Henry Clinton, and other papers respecting the meeting ; and informing that an exchange of prisoners has not taken place : Whereupon,

**Resolved,** That Congress approve the proceedings of the commander in chief and the commissioners appointed by him in the negotiations at Amboy for exchange of prisoners :

**Ordered,** That so much of gen. Washington's letter as relates to the said negotiations, together with the papers enclosed, be published.

A letter, of the 19th, from Mr. de Francey, was read :

**Ordered,** That to-morrow be assigned for considering it.

A letter, of the 18th, from the board of war, was read :

**Ordered,** That it be referred to the board of treasury.

A letter, of this day, from the marquis of Britigny, was read :

**Ordered,** That Thursday next be assigned for taking into consideration the report on the memorial of the marquis of Britigny.

A letter, of the 19th, from H. Laurens, late president, was read :

**Ordered,** That it be referred to the board of treasury.

A letter, of the 12th, from gen. Mifflin, and one of the 15th, from Cæsar Rodney, president of Delaware, were read.

A memorial from Elizabeth Preston, was read :

**Ordered,** That it be referred to the board of war.

**Resolved,** That a member be appointed to the board of war, in the room of Mr. Sherman : the ballots being taken, Mr. J. Root was elected.

A memorial from Thomas Mumford was read.

The committee on the treasury, to whom was re-committed their report on the memorial of Ephraim Blaine, deputy commissary-general of purchases, with direction to state the facts specially, report,

That it appears by a letter from the said E. Blaine to Congress, dated the 27th of March last, that he had purchased goods from George Kennedy, between the 3d of October, 1777, and the 9th of February following, to the amount of 6000 dollars, for which he had engaged him to take payment in loan-office certificates, on condition that such certificates should be procured for him before the 1st of March, 1778 :

That Kennedy applied to the commissary-general before that day, but because Blaine's accounts were unsettled, he could not get a draught on the loan-office for these certificates :

That Kennedy was yet willing to take certificates to bear date as above :

That there were other claimants under like circumstances, who had not yet applied :

That the said letter, being referred to the committee on the treasury, they gave their opinion that it was by no means proper to antedate loan-office certificates for the payment of a balance due from the public, and circumstanced as the case mentioned in the said letter :

That Mr. Blaine, on the 30th day of May following, presented a memorial to Congress, setting forth that he contracted with George Kennedy and others, for articles for the use of the army, in the months of October, November,

December, and January, then last, to the amount of 17,500 dollars, for which he had promised them loan-office certificates in payment; he therefore prayed for warrants on the loan-office for certificates to that amount, to be dated on the first day of January, then last, to enable him to fulfil his contract:

That the said memorial being referred to the board of treasury, they reported that they continued of the opinion they had before given on Mr. Blaine's letter, that it was by no means proper to antedate loan-office certificates for the payment of those debts:

That, upon the said report being read in Congress, it was re-committed.

That they have therefore a third time taken the subject of the letter and memorial into consideration, and, after mature reflection, retain the opinion that they have repeatedly given, that antedated certificates ought not to be issued to satisfy the said demand:

The report being read and considered,

*Resolved*, That Congress agree to the same.

Another report from the board of treasury was read; Whereupon,

*Resolved*, That William Geddes, esq. commissioner of one of the chambers of accounts, be empowered and requested to act as one of the commissioners of claims until the chamber of accounts can proceed to business.

*Resolved*, That the remainder of the report respecting the memorial of capt. John Sutton, be re-committed.

Another report from the board of treasury was read; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the marine committee, for 20,000 dollars, for the use of the navy board in the middle department; the said committee to be accountable:

That a warrant issue on the treasurer in favor of John Millar, for 1000 dollars, in payment of a draught of major-general Howe, dated Charleston, South-Carolina, August 24th, 1778, in favor of capt. Rawleigh Downman, and endorsed by him for that sum; it being agreeable to a letter of advice of the same date from major-general Howe, who is to be accountable.

*Resolved*, That the remainder of the report respecting an additional allowance beyond the established price, to be made to officers who have purchased horses for the cavalry, be postponed to Monday next.

SIX O'CLOCK, P. M.

The committee to whom were referred sundry letters from major-general Mifflin, late quarter-master general, brought in a report, which was read:

*Ordered*, That the consideration thereof be postponed.

The committee to whom was referred the letter of the 13th, from general Washington, relative to lieutenant-col. Fleury, brought in a report, which was read:

*Ordered*, That the consideration thereof be postponed until the report of the board respecting brigadier du Portail, and the engineers who accompanied him, be taken up, and that both be considered together.

According to order, Mr. Deane attending, was called in, and proceeded to read his written information, but, not having time to finish,

*Ordered*, That he attend to-morrow at ten o'clock, and proceed in his information.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, December 23, 1778.

A letter, of the 22d, from col. W. Grayson, was read, informing that he has been duly notified of his appointment to the board of war, and expressing a desire to decline the same.

A letter, of the 1st, from Gossinus Erkelins, was read; and also one of November 22th, from col. G. Derick, informing Congress of his intention,

on his arrival in Holland, to correspond with the hon. Dr. Franklin, at Paris, and desiring that the president would mention his name to Dr. Franklin in his next letter :

**Ordered,** That his desire be complied with.

According to order, Mr. Deane attending, was called in, and proceeded in his information, and having gone through what he had written, he produced sundry letters and papers, which he desired might be read ; upon a letter of April 7th, from Dr. Franklin to him, being read, Mr. Deane desired leave to say something in explanation of the last clause of the said letter, which respects a negotiator, " who, as the letter mentions, is gone back apparently much chagrined at his little success, and in which Dr. Franklin says he has promised him faithfully, that since his propositions could not be accepted, they should be buried in oblivion ; and therefore earnestly desires that Mr. Deane would put that paper immediately in the fire, on the receipt of the letter, without taking or suffering to be taken any copy of it, or communicating its contents :"

As he was proceeding to explain this matter, a motion was made, that Mr. Deane withdraw :

Mr. Deane accordingly withdrew.

A motion was then made, that Mr. Deane be called in and informed that if he has any thing further to report, he lay it before Congress in writing :

In lieu of which it was moved as an amendment,

That Mr. Deane be permitted to proceed in his verbal explanation, referred to, and that it be afterwards reduced to writing, if Congress shall judge it necessary :

The amendments being received, a division was called for, and on the question to agree to the first clause,

The yeas and nays being required by Mr. Ellery,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Roberdeau,	ay	} ay
Frost,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Virginia</i> , Mr. F. L. Lee,	ay	} ay
Gerry,	ay		M. Smith,	no	
Lovell,	ay		Griffin,	ay	} ay
Holten,	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} div.	Williams,	ay	
Collins,	ay		Hill,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay	Burke,	ay	} ay
Ellsworth,	ay		<i>S.-Carolina</i> , Mr. Laurens,	no	
Root,	ay		Drayton,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay	Hutson,	ay	} ay
Duane,	ay		<i>Georgia</i> , Mr. Langworthy,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
Fell,	ay				

So it was resolved in the affirmative.

On the question to agree to the second clause,

The yeas and nays being required by Mr. Ellery,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Roberdeau,	ay	} ay
Frost,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Virginia</i> , Mr. F. L. Lee,	ay	} ay
Gerry,	ay		M. Smith,	ay	
Lovell,	ay		Griffin,	no	} ay
Holten,	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	Williams,	ay	
Collins,	ay		Hill,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay	Burke,	ay	} ay
Ellsworth,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	
Root,	ay		Drayton,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay	Hutson,	ay	} ay
Duane,	ay		<i>Georgia</i> , Mr. Langworthy,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
Fell,	ay				

So it was resolved in the affirmative.

*Ordered*, That the secretary inform Mr. Deane that Congress will give him notice of the time when he shall attend again, which will probably be this evening.

SIX O'CLOCK, P. M.

A letter, of September 10th, from Jonathan Williams, at Nantes, was read, with a number of papers accompanying it:

*Ordered*, That the same lie on the table for the perusal of the members.

According to order, brigadier W. Thompson attending, was called in, and the witnesses being examined, he withdrew.

*Ordered*, That brigadier W. Thompson be called in and informed, that if he has any thing to offer in his defence, the house is ready to hear him, but that if he requires time to make his defence, it will be allowed him.

Brigadier Thompson being called in and informed of the order of the house, desired that the paper he had in his hand might be read:

The same being read, and he having nothing further to offer, general Thompson was ordered to withdraw, and accordingly he withdrew.

Adjourned to ten o'clock to-morrow.

THURSDAY, *December 24*, 1778.

Mr. Samuel Atlee, a delegate from Pennsylvania, attended, and took his seat in Congress.

The president informed Congress that gen. Washington was arrived in town, pursuant to their orders: Whereupon,

*Resolved*, That the commander in chief be introduced to Congress, and informed from the chair, that Congress have directed his attendance in order, among other things, to confer with him on the operations of the next campaign, and that a committee will be appointed for that purpose.

*Ordered*, That the secretary present the commander in chief with the foregoing resolution, and acquaint him that Congress are now ready to receive him.

In pursuance of the foregoing order, the commander in chief attended, and being informed by the president of the end for which Congress has desired his attendance, and that a committee will be appointed agreeably to the foregoing resolution, he withdrew.

Congress proceeded to the election of a committee: the members chosen, are Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, and Mr. Laurens.

Congress took into consideration the charge against brigadier W. Thompson; and the defence being read,

A motion was made, that the apology made by brigadier-general Thompson be accepted at satisfactory:

The charge and depositions were then called for, and a motion was made, that the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier gen. Thompson, and the other in his exculpation, be rejected, the same being taken *ex parte*:

To which an amendment was moved, by way of substitute,

That the examination of Mr. justice Atlee, taken before Congress on Monday the 7th inst. in support of the charge against brigadier Thompson, be rejected, and that the deposition of col. Noarth, produced last night by brigadier Thompson in his own exculpation from the charge, be also rejected:

A question was taken, whether, consistent with order, the latter proposition can be offered as an amendment to the former:

On which the yeas and nays being required by Mr. Laurens,

*New-Hampshire*, Mr. Whipple,  
*Massa'etts-Bay*, Mr. S. Adams,  
Gerry,  
Lovell,  
Holten,

ay } ay  
ay }  
ay } ay  
ay }

*Rhode-Island*,  
*Connecticut*,

Mr. Ellery,  
Mr. Dyer,  
Ellsworth,  
Root,

ay } ay  
ay }  
ay } ay  
ay }

<i>New-York,</i>	Mr. Jay.	no	} no	<i>Maryland,</i>	Mr. Carmichael,	ay	} ay
	Duane,	no			Henry,	ay	
	G. Morris,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	} div.
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} div.		Hill,	no	
	Fell,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay		Drayton,	ay	
	Atlee,	ay			Hutson,	ay	
<i>Delaware</i>	Mr. M'Kean,	ay	} ay	<i>Georgia,</i>	Mr. Langworthy,	ay	} ay

So it was resolved to be in order.

The question being put on the amendment, passed in the negative.

The main question was then divided, and on the question, that the examination of Mr. justice Atlee be rejected,

The yeas and nays were required by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay
<i>Mass'etts-Bay,</i>	Mr. S. Adams,	ay			Atlee,	ay	
	Gerry,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	ay			Henry,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay	<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Connecticut,</i>	Mr. Dyer,	ay			M. Smith,	ay	
	Ellsworth,	ay	} ay		Griffin,	ay	} ay
	Root,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay		Hill,	ay	} div.
	Duane,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	
	G. Morris,	ay			Hutson,	ay	
	Lewis,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay				
	Fell,	ay					

So it was resolved in the affirmative.

The question was then put, that the deposition of col. Noarth be rejected : resolved in the affirmative.

The question was put, whether the words "the same having been taken, *ex parte*" shall stand?

On which the yeas and nays being required by Mr. F. L. Lee,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay
<i>Mass'etts-Bay,</i>	Mr. S. Adams,	ay			Atlee,	ay	
	Gerry,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	no	} no
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	ay			Henry,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay	<i>Virginia,</i>	Mr. F. L. Lee,	no	
<i>Connecticut,</i>	Mr. Dyer,	ay			M. Smith,	ay	} ay
	Ellsworth,	no	} ay		Griffin,	ay	
	Root,	ay		<i>North-Carolina,</i>	Mr. Penn,	ay	} ay
<i>New-York,</i>	Mr. Jay,	ay	} ay		Hill,	ay	
	Duane,	ay		<i>South-Carolina,</i>	Mr. Laurens,	no	} div.
	G. Morris,	ay			Hutson,	ay	
	Lewis,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay				
	Fell,	ay					

So it was resolved in the affirmative.

The question being taken on the whole,

*Resolved,* That the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier W. Thompson, and the other in his exculpation, be rejected, the same having been taken *ex parte*.

The proceedings on the journal relative to brigadier Thompson, the charge and the deposition of witnesses, were then read: Whereupon, a motion was made, that brigadier-general Thompson is guilty of a breach of privilege:

On this question the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Rhode-Island,</i>	Mr. Ellery,	no	} no
<i>Mass'etts-Bay,</i>	Mr. S. Adams,	ay		<i>Connecticut,</i>	Mr. Ellsworth,	ay	
	Gerry,	ay	} ay		Root,	ay	} ay
	Lovell,	ay					
	Holten,	ay					



<i>New-York,</i>	Mr. Jay,	no	} div.	<i>Virginia,</i>	Mr. F. L. Lee,	ay	} ay
	Duane,	ay			M. Smith,	ay	
	G. Morris,	no			Griffin,	no	
	Lewis,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	} no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} div.		Hill,	no	
	Fell,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} div.		Drayton,	no	
	Atlee,	no			Hutson,	ay	
<i>Delaware,</i>	Mr. M'Kean, excused			<i>Georgia,</i>	Mr. Langworthy,	ay	ay
<i>Maryland,</i>	Mr. Carmichael,	no	} no				
	Henry,	no					

So it was then resolved in the affirmative.

It was then moved, that general Thompson's apology is satisfactory :

On which the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	ay
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	no	} no		Atlee,	ay	ay
	Lovell,	no		<i>Delaware,</i>	Mr. M'Kean,	ay	ay
	Holten,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay	ay		Henry,	ay	ay
<i>Connecticut,</i>	Mr. Ellsworth,	ay	} div.	<i>Virginia,</i>	Mr. F. L. Lee,	ay	} ay
	Root,	no			M. Smith,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay		Griffin,	ay	
	Duane,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	G. Morris,	ay			Hill,	ay	
	Lewis,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	no	} div.		Drayton,	ay	
	Fell,	ay			Hutson,	ay	
				<i>Georgia,</i>	Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Adjourned to ten o'clock on Saturday. .

#### SATURDAY, December 26, 1778.

A letter, of the 21st, from Abraham Clarke, of New-Jersey, was read, enclosing affidavits respecting the conduct of brigadier Maxwell in resisting a writ of Habeas Corpus :

*Ordered,* That the same be referred to a committee of three : the members chosen, Mr. Duane, Mr. Burke, and Mr. Fell.

A memorial from Josiah Smith, surgeon, and others, late of the Revenge cutter, captain Cunningham, was read :

*Ordered,* That it be referred to the marine committee.

Congress resumed the consideration of the report of the committee of the whole on the subject of finance, when the 6th proposition was read, viz.

6. That proper bills be provided and ready to be delivered out at said offices, to complete the said exchanges as soon as possible, and that due notice be given to all parties by public advertisements, as soon as the same shall be ready :

A motion was made to strike out the words "as soon as possible," and what follows to the end, and to insert in place thereof "by the first day of June next."

Another motion was made, to substitute the following resolution :

That the commissioners of the loan-offices make returns to the treasury board immediately after the 1st day of June next, of the amount of the bills received into their respective offices, to be exchanged as aforesaid, and that proper bills to exchange the same be furnished and ready to be delivered out at their said offices within sixty days from and after the said first day of June :

To which it was moved to add as follows :

And that the proprietors of bills brought into the loan-offices shall be entitled to and receive an interest on the sums respectively brought in as aforesaid, at the rate of six per centum per annum, from the 1st of June aforesaid, to the day on which they shall be exchanged :

On the question to agree to this addition,

The yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	}	no
	Frost,	no				Atlee,	no		
<i>Mass's-Bay,</i>	Mr. Gerry,	no	}	no	<i>Maryland,</i>	Mr. Carmichael,	ay	}	ay
	Lovell,	no				Henry,	ay		
	Holten,	no			<i>Virginia,</i>	Mr. M. Smith,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no		Griffin,	ay	}	+
<i>Connecticut,</i>	Mr. Dyer,	no			<i>N.-Carolina,</i>	Mr. Penn,	no		
	Ellsworth,	no	}	no		Williams,	ay	}	div.
	Root,	na				Hill,	ay		
<i>New-York,</i>	Mr. Jay,	no				Burke,	no		
	Duane,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	}	ay
	Lewis,	ay			<i>Georgia,</i>	Mr. Langworthy,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no					
	Fell,	no							

So it passed in the negative.

The amendment being adopted, on the question to agree to the same,

The yeas and nays being required by Mr. Burke,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	}	ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	}	ay
	Frost,	ay				Atlee,	ay		
<i>Mass's-Bay,</i>	Mr. Gerry,	ay	}	ay	<i>Maryland,</i>	Mr. Carmichael,	ay	}	ay
	Lovell,	ay				Henry,	ay		
	Holten,	ay			<i>Virginia,</i>	Mr. M. Smith,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no		Griffin,	no	}	+
<i>Connecticut,</i>	Mr. Dyer,	ay			<i>N.-Carolina,</i>	Mr. Penn,	ay		
	Ellsworth,	ay	}	ay		Williams,	no	}	no
	Root,	ay				Hill,	no		
<i>New-York,</i>	Mr. Jay,	no				Burke,	no		
	Duane,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	}	no
	Lewis,	ay			<i>Georgia,</i>	Mr. Langworthy,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	}	ay					
	Fell,	ay							

So it was resolved in the affirmative.

The 7th proposition was then read, and agreed to as follows:

7. That the first mentioned bills, as they are brought into the treasury and loan-offices, be immediately crossed and struck through with a circular punch of one inch diameter, to be afterwards examined and burned, as Congress shall direct.

Ordered, That Mr. Deane be notified to attend Congress on Monday next, at ten o'clock A. M.

Adjourned to ten o'clock on Monday.

MONDAY, December 28, 1778.

There not being a sufficient number of states to proceed to business,

Adjourned to ten o'clock to-morrow.

TUESDAY, December 29, 1778.

Mr. Scudder, a delegate from New-Jersey, attended, and took his seat.

A letter, of this day, from J. Morgan, was read; Whereupon,

Resolved, That a member be added to the committee on the memorial from Dr. Morgan, in the room of Mr. Harvie: the member chosen, Mr. M. Smith.

A letter, of the 17th, from G. Clinton, governor of New-York, was read:

A letter, of the 15th, from colonel Malcolm, was read, enclosing a return of the military stores and garrison of forts Clinton and Constitution:

Ordered, That the same be referred to the board of war.

Resolved, That two brigadiers be appointed for the troops of North-Carolina.

Col. Jethro Sumner and col. Thomas Clarke are nominated for brigadiers by the delegates of North-Carolina.

**Resolved**, That a committee of three be appointed to enquire into the state of the Pennsylvania troops, and report whether an additional brigadier is wanting for the troops of that state: the members chosen, Mr. M'Kean, Mr. Burke, and Mr. Atlee.

**Resolved**, That an additional brigadier be appointed for the troops of South-Carolina.

Colonel Isaac Huger is nominated by the delegates of South-Carolina.

Congress proceeded to consider the subject of finance, and a set of resolutions relative thereto being read,

**Ordered**, That the further consideration thereof be postponed till to-morrow.

A motion was made as follows:

Whereas a report hath circulated in divers parts of America, that Congress would not redeem the bills of credit issued by them to defray the expenses of the war, but would suffer them to sink in the hands of the holder, whereby the value of the said bills hath, in the opinion of many of the good people of these states, depreciated; and lest the silence of Congress might give strength to the said report;

**Resolved**, That the said report is false and derogatory to the honor of Congress.

A motion was made that the consideration thereof be postponed;

On which the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> , Mr. Witherspoon,	ay	} no
Frost,	ay		Scudder,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay	} ay	Fell,	no	} no
Gerry,	ay		Mr. Roberdeau,	no	
Holten,	ay	} ay	Atlee,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay		Searle,	no	
Collins,	ay	} ay	<i>Delaware</i> , Mr. M'Kean,	no	} no
<i>Connecticut</i> , Mr. Dyer,	ay		Mr. Carmichael,	no	
Ellsworth,	ay	} ay	Henry,	ay	} div.
Root,	ay		<i>Maryland</i> , Mr. F. L. Lee,	ay	
<i>New-York</i> , Mr. Jay,	no	} no	M Smith,	no	} *
Duane,	no		<i>N.-Carolina</i> , Mr. Penn,	no	
G. Morris,	no	} no	Hill,	no	} no
			Burke,	ay	
			<i>S.-Carolina</i> , Mr. Drayton,	no	} no

So it passed in the negative.

Ater debate the previous question was moved;

On which the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> , Mr. Scudder,	no	} no
Frost,	ay		Fell,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Pennsylvania</i> , Mr. Roberdeau,	ay	} no
Gerry,	ay		Atlee,	no	
Holten,	ay	} ay	Searle,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	
Collins,	ay	} ay	<i>Maryland</i> , Mr. Carmichael,	no	} *
<i>Connecticut</i> , Mr. Dyer,	ay		<i>Virginia</i> , Mr. F. L. Lee,	ay	
Ellsworth,	ay	} ay	M. Smith,	ay	} ay
Root,	ay		<i>N.-Carolina</i> , Mr. Penn,	no	
<i>New-York</i> , Mr. Jay,	no	} no	Hill,	no	} no
Duane,	no		Burke,	ay	
G. Morris,	no	} no	<i>S.-Carolina</i> , Mr. Drayton,	no	} no

So the states were equally divided.

The main question being then put,

And the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	no	} div.	<i>Rhode-Island</i> , Mr. Ellery,	no	} no
Frost,	ay		Collins,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	no	} ay	<i>Connecticut</i> , Mr. Dyer,	ay	} no
Gerry,	ay		Ellsworth,	no	
Holten,	ay	} ay	Root,	no	} no

New-York,	Mr. Jay,	ay	Delaware,	Mr. McKean,	ay	ay
	Duane,	ay	Virginia,	Mr. F. L. Lee,	ay	ay
	G. Morris,	ay		M. Smith,	no	ay
New-Jersey,	Mr. Scudder,	ay	N.-Carolina,	Mr. Penn,	ay	ay
	Fell,	ay		Hill,	ay	ay
Pennsylvania,	Mr. Roberdeau,	ay	S.-Carolina,	Burke,	no	ay
	Atlee,	ay		Mr. Drayton,	ay	ay
	Searle,	ay				

So it was resolved in the affirmative.

On the question to agree to the preamble, the yeas and nays being required by Mr. Ellery,

New-Hampshire,	Mr. Frost,	no	New-Jersey,	Mr. Scudder,	ay	ay
Massachusetts-Bay,	Mr. S. Adams,	no		Fell,	ay	ay
	Gerry,	ay	Pennsylvania,	Mr. Roberdeau,	no	ay
	Holten,	ay		Atlee,	ay	ay
Rhode-Island,	Mr. Ellery,	no		Searle,	ay	ay
	Collins,	ay	Virginia,	Mr. M. Smith,	no	no
Connecticut,	Mr. Dyer,	ay	N.-Carolina,	Mr. Penn,	ay	ay
	Ellsworth,	no		Hill,	ay	ay
	Root,	no	S.-Carolina,	Mr. Drayton,	ay	ay
New-York,	Mr. Jay,	ay				
	Duane,	ay				
	G. Morris,	ay				

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, December 30, 1778.

There not being a sufficient number of states to proceed to business,

Adjourned to ten o'clock to-morrow.

### THURSDAY, December 31, 1778.

A letter, of the 30th, from Mr. Deane, was read, informing, that he waits the orders of Congress, and that he has received letters which he is desirous to communicate personally, which relate to parts of his narration; Whereupon,

*Ordered*, That Mr. Deane be notified to attend immediately.

A letter, of the 3d, from major-general Gates, at Boston, was read, enclosing a letter of the 1st to him from major-gen. Philips, proposing to enter into a negotiation with him for a release of the troops of the convention of Saratoga:

*Ordered*, That the letter from major-gen. Philips lie on the table, and that the president inform major-gen. Gates that Congress approve his conduct.

A letter, of the 16th, from B. Harrison, deputy pay-master general in Virginia, was read, enclosing his monthly account:

*Ordered*, That the same be referred to the board of treasury.

A memorial from R. Patton, messenger, and one from W. Hurrie, door-keeper, were read: Whereupon,

*Resolved*, That the sums deducted from the former accounts of the memorialists, by the commissioners of claims, be paid them as a reward for extraordinary service; and that they be paid what is now due to them at the rate of three dollars a day; and that they be paid for the future at the rate of four dollars a day.

A letter, of November 30th, from major-gen. Gates, was read, enclosing a memorial from brigadier du Portail, respecting the fortifying the harbor at Boston:

*Ordered*, That the same be referred to the marine committee.

Mr. Deane attending, was called in, and gave further information in writing, and having finished,

*Ordered*, That he withdraw into the next room.

Accordingly he withdrew: whereupon, a motion was made,

That a day be now assigned for Mr. Deane to attend Congress, that such questions may be asked as the house shall think proper, to elucidate the subject of his narrative : question put, passed in the negative.

*Ordered*, That Mr. Deane be called in and informed that he has leave to withdraw, and that Congress will notify to him their future orders :

Mr. Deane being called in, was informed of the foregoing order, and withdrew.

Congress proceeded to the subject of finance ; and thereupon,

7. *Resolved*, That, in addition to the 15,000,000 of dollars to be paid the year ensuing, the states be called on to pay in their quotas of 6,000,000 dollars, annually, for 18 years, commencing with the year 1780, as a fund for sinking the loans and emissions of these United States to the 31st day of December, 1778, inclusive :

8. That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

9. That any of the bills of credit, emitted by order of Congress prior to the year 1780, and no others, be received in payment of the said quotas :

On the question to agree to this resolution, the yeas and nays being required by Mr. Burke,

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	}
Frost,	ay			Scudder,	ay	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay	}		Fell,	ay	}
Gerry,	ay		<i>Pennsylvania</i> ,	Mr. Roberdeau,	ay	
Holten,	ay	}		Atlee,	ay	}
<i>Rhode-Island</i> , Mr. Ellery,	ay		<i>Delaware</i> ,	Mr. M'Kean,	no	
Collins,	ay	}	<i>Maryland</i> ,	Mr. Henry,	no	}
<i>Connecticut</i> , Mr. Dyer,	ay		<i>Virginia</i> ,	Mr. M. Smith,	no	
Ellsworth,	ay	}		Griffin,	no	}
Root,	ay		<i>N.-Carolina</i> ,	Mr. Hill,	no	
<i>New-York</i> , Mr. Jay,	no	}	<i>S.-Carolina</i> ,	Burke,	no	}
Duane,	ay			Mr. Drayton	no	
Lewis,	ay					

So it was resolved in the affirmative.

10. That the bills received on the said quotas be applied, first, to the payment of the interest, secondly, of the principals of loans made by these United States prior to the year 1780 ; and that the residue of the said bills, together with the 15,000,000 of dollars for the year ensuing, be not re-issued, but burned or destroyed, as Congress shall direct :

*Ordered*, That the committee of the treasury select from the journal the resolutions respecting the calling in certain emissions, and providing a fund for sinking bills of credit emitted by Congress, and prepare a proper preamble.

Adjourned to ten o'clock to-morrow.

#### FRIDAY, January 1, 1779.

A letter, of the 31st of December, from gen. Washington, was read, respecting brigadier du Portail, and the engineers of his corps :

Whereupon, a report from the board of war on the same subject, in consequence of the general's letter of the 16th of November last, was taken into consideration, and Congress came to the following resolutions :

Whereas gen. Washington has expressed his opinion of the merit and abilities of brigadier-general du Portail, as being well acquainted with the branch he professes, and a gentleman of real knowledge in military science in general, and has a very favourable opinion of Messrs. la Radiere, Loumoy, and de Gouvion, who have served with reputation as engineers in the army of the United States ; and has represented that in his judgment they will be necessary and useful in future operations :

*Resolved*, That brigadier du Portail, and Messrs. la Radiere, Loumoy, and

de Gouvion, be retained in the service of the United States as engineers for another campaign, if agreeable to their inclination, and permission can be obtained from his most Christian majesty or his minister plenipotentiary.

*Resolved*, That the board of war be directed to confer with Mons. Gerard on the subject, and in case brigadier du Portail, and the other engineers shall conclude to remain in the service of the United States, that the board report to Congress a proper arrangement and appointment for the corps of engineers.

The order of the day being called for, a motion was made to re-consider the 9th proposition passed yesterday relative to finance: after debate the determination of the question was postponed till to-morrow, by the state of North-Carolina.

*Resolved*, That the committee of the treasury be directed to give the several states, the necessary information respecting the new emission of bills for such as have been counterfeited, and to the commissioners of the loan-offices, instructions relative to the indented certificates to be given for bills to be exchanged, and to the mode of transmitting such bills to the treasurer of loans:

That 1-8 per cent. be allowed to the commissioners of the loan-offices on the amount of bills to be exchanged by them respectively, in lieu of all other expenses attending the said business:

That it be recommended to the several states forthwith to adopt such measures as may be effectual for detecting persons employed in making counterfeit bills, or passing the same, knowing them to be such.

The board of war having reported specially on the case of col. Hogan's regiment, the same was taken into consideration; Whereupon,

*Resolved*, That the board of war be directed to supply, on the application of the delegates of North-Carolina, the men of col. Hogan's regiment, which chiefly consists of draughts from the militia of that state, with such articles of clothing as in the opinion of the board may be spared from the continental stock, without detriment to the service; the articles received by the regiment by order of the board to be charged to the said state.

#### SATURDAY, January 2, 1779.

Mr. Floyd, a delegate from New-York, attended, and took his seat in Congress.

The committee, to whom was referred the memorial of Messrs. Penet and Couloux, respecting a manufactory of fire arms, report,

"That the said Messrs. Penet and Couloux propose to establish a manufactory for making fire-arms, side-arms, &c. of all kinds, in some convenient place in some one of the United States, if they can have proper encouragement from Congress: that they are willing to contract to make and deliver 100,000 muskets with bayonets of the best kind, completely finished, at the price of 26½ livres a piece, to be paid in specie or other currency equivalent: that they will deliver 20,000 of the said arms by the expiration of two years and an half, and the residue within the term of six or seven years from the time of contracting: or if the whole number of muskets are not wanted, they will agree to make any other kind of fire-arms or side-arms, in lieu thereof, they to find all materials and be at the whole expense of making the arms:"

The committee further report,

"That in their opinion it will be beneficial to these states to have such a manufactory established, and that the terms proposed are reasonable."

*Resolved*, That the board of war be authorized to contract with Messrs. Penet & Couloux for a suitable number of muskets, with bayonets of a proper size, and other arms, to be manufactured in these state, agreeable to the foregoing proposal.



The delegates of Massachusetts-Bay produced credentials of their appointment, which were read.

The determination of the question for re-considering the 9th proposition, which was yesterday postponed at the request of a state, was called for, and the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Frost,	no			Scudder,	no	
<i>Massa'ette-Bay,</i>	Mr. S. Adams,	no	} no	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	} no
	Gerry,	no		<i>Maryland,</i>	Mr Paca,	ay	
	Lovell,	no			Hepry,	ay	} ay
	Holten,	no		<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no		M. Smith,	ay	} ay
<i>Connecticut,</i>	Mr. Dyer,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Ellsworth,	no	} no		Hill,	ay	} ay
	Root,	ay			Burke,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} div.	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Floyd, <i>excused,</i>				Drayton,	ay	
	Lewis,	no		<i>Georgia,</i>	Mr. Langworthy,	ay	

So it passed in the negative.

A report from the board of treasury was read ; Whereupon,

*Resolved,* That, during the continuance of the high prices of the necessities of life, the salary of the treasurer of loans be encreased to 3,500 dollars per annum.

The board of treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to as follows :

Whereas these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honor and safety, as well as justice, is highly concerned to support and establish ; and, whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which, in due time, without distressing the people, shall make adequate provision for the same : and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation ; therefore,

*Resolved,* That these United States be called on to pay in their respective quotas of 15,000,000 of dollars for the year 1779, and of 6,000,000 of dollars annually for 18 years, from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31st of December, 1778, inclusive :

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

That any of the bills emitted by order of Congress, prior to the year 1780, and no others, be received in payment of the said quotas :

That the bills received on the said quotas, except those for the year 1779, be applied first for the payment of the interest, and secondly, for the principal of loans made by these United States prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued but burned and destroyed, as Congress shall direct.

And, whereas, many counterfeits have appeared in circulation, of various

denominations, of the emissions of May 20, 1777, and April 11, 1778, and counterfeits of those emissions have lately been issued by our enemies at New-York, and are found to be spreading and increasing fast in various parts of these United States, whereby individuals are defrauded, prices enhanced, and the credit of the paper currency greatly injured ; and it is become necessary for the security of individuals and safety of the public, that those two emissions should cease to be a circulating medium, and should be called in and exchanged, or otherwise provided for, as soon as may be, with convenience to the present holders ; therefore,

*Resolved*, That the following bills be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778 :

That they be brought in for that purpose in the manner hereafter provided, by the first day of June next, and not afterwards redeemable :

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next :

That they be received, until the first day of June next, into the continental loan-offices, either on loan or to be exchanged, at the election of the owners, for other bills of like tenor, to be provided for that purpose :

That the bills lodged in the said offices to be so exchanged, be there registered, and indented certificates thereof be given to the owners by the respective commissioners of the said offices :

That the commissioners of the loan-offices make returns to the treasury-board immediately after the first day of June next, of the amount of the bills received in their respective offices to be exchanged as aforesaid, and that proper bills to exchange the same be furnished, and ready to be delivered out at the said offices, within sixty days from and after the said first day of June.

That the first mentioned bills, as they are brought into the treasuries and the loan offices, be immediately crossed and struck through with a circular punch, one inch diameter, to be afterwards examined and burned, as Congress shall direct.

*Ordered*, That the board of treasury prepare a circular letter to the states, to accompany the foregoing resolutions.

#### MONDAY, January 4, 1779.

Mr. W. Shippen, a delegate for Pennsylvania, attended and took his seat in Congress :

On motion, *Resolved*, That a committee, to consist of a member from each state, be appointed to apportion the quotas of the taxes called for and to be paid by the several states the current year, for redeeming the continental bills of credit emitted by order of Congress : the members chosen, Mr. Whipple, Mr. Holten, Mr. Collins, Mr. Root, Mr. Duane, Mr. Scudder, Mr. Searle, Mr. M'Kean, Mr. Paca, Mr. Smith, Mr. Burke, Mr. Laurens, and Mr. Langworthy.

*Ordered*, That the committee sit on this business this afternoon, and report to-morrow.

#### TUESDAY, January 5, 1779.

*Ordered*, That three members be added to the committee on the post-office : the members chosen, Mr. Paca, Mr. Ellery, and Mr. Laurens.

A letter from lieutenant-colonel Fleury, was read : Whereupon,

*Resolved*, That Mons. Fleury be informed that Congress do not think it proper to apply to the minister of France in his behalf, though they should be pleased with his continuance in the service of the United States, if he can himself obtain leave for that purpose.

A memorial from Mons. Oneil was read, making a tender of his services, and desiring to be employed in count Pulaski's corps : Whereupon,

*Resolved*, That Congress have a grateful sense of the offer of Mr. Oneil's services, but that they cannot accept of the said offer.

A letter, of the 27th of December, from major-general Schuyler, was read, representing, "that the attention which the duties of his office required whilst he was in command, left him no leisure to pay any to his private affairs; that the derangement which this has occasioned was greatly augmented by the devastation which the enemy committed on his estate, and that his losses are so very capital, that it is a duty he owes to his family to devote most of his future time to attempt a re-establishment; that to accomplish this would be impossible if he continued in public life, that he therefore wishes to retire, and most respectfully entreats Congress to accept of his resignation."

A motion was made, that his resignation be accepted; after debate,

*Resolved*, That the farther consideration thereof be postponed.

A motion was made, that the president confer with the commander in chief on the expediency of accepting major-general Schuyler's resignation, and report his written answer: on which the yeas and nays being required by Mr. Lovell,

<i>New-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Pennsylvania</i> , Mr. Shippen,	no	}	no
	Frost,				Atlee,		
<i>Massa'etts-Bay</i> , Mr. Gerry,	no	}	no		Searle,	}	no
	Lovell,			<i>Maryland</i> , Mr. Paca,	ay		
	Holten,	}	no		Carmichael,	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	no				Henry,		
	Collins,	}	no	<i>Virginia</i> , Mr. F. L. Lee,	no	}	ay
<i>Connecticut</i> , Mr. Dyer,	no				M. Smith,		
	Root,	}	no		Griffin,	}	ay
<i>New-York</i> , Mr. Jay,	ay			<i>N.-Carolina</i> , Mr. Penn,	ay		
	G. Morris,	}	ay		Hill,	}	no
	Lewis,				Burke,		
<i>New-Jersey</i> , Mr. Witherspoon,	no	}	no	<i>S.-Carolina</i> , Mr. Laurens,	no	}	no
	Scudder,				Drayton,		
	Fell,	}	ay		Hutson,	}	no
				<i>Georgia</i> , Mr. Langworthy,	ay		

So it passed in the negative.

The committee appointed to apportion the quotas which the several states are to pay of the 15,000,000 of dollars recommended to be raised by taxes in the year 1779, brought in a report: Whereupon,

*Resolved*, That the several states raise by taxes respectively as follows, for their quotas of the 15,000,000 of dollars for the year 1779:

<i>New-Hampshire</i> ,	-	-	500,000	<i>Delaware</i> ,	-	-	-	150,000
<i>Massachusetts-Bay</i> ,	-	-	2,000,000	<i>Maryland</i> ,	-	-	-	1,560,000
<i>Rhode-Island and Providence</i>				<i>Virginia</i> ,	-	-	-	2,400,000
Plantations,	-	-	300,000	<i>North-Carolina</i> ,	-	-	-	1,090,000
<i>Connecticut</i> ,	-	-	1,700,000	<i>South-Carolina</i> ,	-	-	-	1,800,000
<i>New-York</i> ,	-	-	800,000	<i>Georgia</i> ,	-	-	-	0,000,000
<i>New-Jersey</i> ,	-	-	800,000					
<i>Pennsylvania</i> ,	-	-	1,900,000					\$15,000,000

*Resolved*, That the said several sums, or any greater sums which shall be paid by any of the states, into the continental treasury, shall be placed to their respective credits on interest, on the same terms as are set forth in the resolution of Congress, passed November 22d, 1777.

A memorial from the minister of France, was read, respecting sundry passages in two news-papers, annexed, of the 2d and 5th instant.

*Ordered*, That the consideration thereof be postponed till to-morrow.

WEDNESDAY, January 6, 1779.

The delegates of Maryland laid before Congress a declaration of that state relative to the confederation, and a resolution relative to the treaty of commerce and treaty of alliance between France and the United States of America: Whereupon, a motion was made, after debate,

*Ordered*, That the consideration thereof be postponed.

A letter, of this day, from Thomas Paine, was read : Whereupon,

The order of the day on the memorial of the minister of France was called for, and the said memorial being read :

*Ordered*, That Mr. John Dunlap, printer, and Mr. Thomas Paine, attend immediately at the bar of this house.

Mr. John Dunlap attending, was called in, and the news-papers of the 2d and 5th of January instant, entitled, " Pennsylvania Packet or General Advertiser," being shewn to him, he was asked whether he was the publisher ; to which he answered, yes :

He was then asked who is the author of the pieces in the said papers, under the title " Common Sense to the public on Mr. Deane's affairs ;" to which he answered, Mr. Thomas Paine : he was then ordered to withdraw.

Mr. Thomas Paine attending, was called in, and being asked if he was the author of the pieces in the Pennsylvania Packet or General Advertiser of January 2d and 5th, 1779, under the title " Common Sense to the public on Mr. Deane's affairs ;" he answered that he was the author of those pieces : he was then ordered to withdraw.

#### THURSDAY, *January 7, 1779.*

Mr. Thomas Adams, a delegate of Virginia, attended, and took his seat in Congress.

Congress resumed the consideration of the subject which was under debate yesterday. And the following set of resolutions were moved :

That all the late publications in the General Advertiser, printed by John Dunlap, relative to American foreign affairs, are ill judged, premature and indiscreet, and that as they must in general be founded on very partial documents, and consequently depend much on conjecture, they ought not by any means to be considered as justly authenticated.

That Congress never has given occasion for, or sanction to, any of the said publications :

That Congress never has received any species of military stores as a present from the court of France, or from any other court or persons in Europe :

That Mr. Thomas Paine for his imprudence ought immediately to be dismissed from his office of secretary to the committee of foreign affairs, and the said committee are directed to dismiss him accordingly, and to take such farther steps relative to his misapplication of public papers as they shall deem necessary.

In amendment, and as a substitute to the foregoing, the following set of resolutions was moved :

Whereas, Thomas Paine, secretary to the committee of foreign affairs, has acknowledged himself to be the author of a piece in the Pennsylvania Packet of January 2d, 1779, under the title of Common Sense to the public on Mr. Deane's affairs, in which is the following paragraph, viz. " If Mr. Deane or any other gentleman will procure an order from Congress to inspect an account in my office, or any of Mr. Deane's friends in Congress will take the trouble of coming themselves, I will give him or them my attendance, and shew them in hand writing, which Mr. Deane is well acquainted with, that the supplies he so pompously plumes himself upon were promised and engaged, and that, as a present, before he even arrived in France ; and the part that fell to Mr. Deane was only to see it done, and how he has performed that service the public are now acquainted with." The last paragraph in the account is " upon Mr. Deane's arrival in France the business went into his hands, and the aids were at length embarked in the Amphitrite, Mercury and Seine." And, whereas, the said Thomas Paine hath also acknowledged himself to be the author of a piece in the succeeding Packet of January 5th, 1779, under the same title, in which is the following paragraph,

to wit, "and in the second instance, that those who are now her allies, pre-faced that alliance by an early and generous friendship, yet that we might not attribute too much to human or auxiliary aid, so unfortunate were these supplies, that only one ship out of the three arrived; the Mercury and Seine fell into the hands of the enemy:"

*Resolved*, That the insinuation contained in the said publications, that the supplies sent to America in the Amphitrite, Seine and Mercury were a present from France, is untrue:

That the publications above recited tend to impose upon, mislead and deceive the public:

That the attempt of the said Thomas Paine to authenticate the said false insinuations, by referring to papers in the office of the committee of foreign affairs, is an abuse of office:

That the said Thomas Paine be, and he hereby is, dismissed from his said office.

A third set of resolutions was moved as an amendment and substitute to the two foregoing sets, viz.

That Congress are deeply concerned at the imprudent publication of Mr. Thomas Paine, secretary to the committee of foreign affairs, referred to by the minister of France in his memorial of the 5th instant, and are ready to adopt any measure consistent with good policy and their own honor, for correcting any assertions or insinuations in the said publications, derogatory to the honor of the court of France:

That a committee be appointed to consider the said memorial and paragraphs referred to, that they confer with the minister of France on the subject, and report as soon as may be.

In lieu of the whole, the following resolution was moved as a substitute, viz.

Whereas, exceptionable passages have appeared in Mr. Dunlap's Pennsylvania Packet, of the 2d and 5th instant, under the character of Common Sense; and Thomas Paine, secretary to the committee of foreign affairs, being called before Congress, avowed his being the author of those publications:

*Resolved*, That Thomas Paine be summoned to appear before Congress at eleven o'clock to-morrow, and be informed what those exceptionable passages are, and called upon to explain and to shew by what authority he made those publications, in order that Congress may take proper measures relative thereto.

The previous question was moved on the last amendment; Whereupon, the sense of the house was taken, whether the previous question is in order on an amendment:

*Resolved*, That it is not in order.

On the question to substitute the last resolution as an amendment to the whole, the yeas and nays being required by Mr. G. Morris,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Pennsylvania</i> , Mr. Roberdeau,	ay	
<i>Massachusetts-Bay</i> , Mr. Gerry,	no		Atlee,	no	ay
	Lovell,	no	Searle,	ay	
	Holten,	ay	Mr. M'Kean,	ay	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	div.	Mr. Paca,	no	
	Collins,	no	Carmichael,	no	no
<i>Connecticut</i> , Mr. Dyer,	ay	ay	Henry,	ay	
	Root,	ay	Mr. T. Adams,	no	
<i>New-York</i> , Mr. Jay,	no		F. L. Lee,	ay	no
	Duane,	no	M. Smith,	no	
	G. Morris,	no	Mr. Penn,	no	no
	Lewis,	no	Hill,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	no		Burke,	no	
	Scudder,	no	Mr. Laurens,	ay	no
	Fell,	no	Drayton,	no	
			Hutson,	no	
			Mr. Langworthy,	no	no
			<i>Georgia</i> ,		

So it passed in the negative.



FRIDAY, *January 8, 1779.*

A letter, of this day, from Thomas Paine, was read, by which he resigns his office of secretary to the committee of foreign affairs, and in which are the following words, "finding by the journals of this house of yesterday that I am not to be heard," &c. Whereupon,

A member desired to be informed how Mr. Paine had acquired that knowledge, and the secretary was desired to inform the house whether Mr. Paine had access to the journal; the secretary answered, "that Mr. Paine had not seen the journal of yesterday, nor had any other person had access to it since the last adjournment, as he had taken it home last night, and brought it with him to Congress this morning, so that even the clerks in the office had not seen the minutes of yesterday, and that since the last adjournment he had not seen Mr. Paine, nor communicated the proceedings of Congress to any person whatever.

A motion was then made, that Mr. Thomas Paine, secretary to the committee of foreign affairs, be directed immediately to attend at the bar of this house, to answer to certain questions respecting the contents of his letter to the president of Congress of this day.

After debate, a substitute was moved as follows:

That the members of Congress be separately examined by the president on their honour, whether they have communicated the resolutions of yesterday to Mr. Thomas Paine, and if so, in what manner they have made such representation.

After debate, when the question was about to be put, Mr. Laurens arose and declared that he had informed Mr. Paine that a motion had been made for hearing him to-morrow at eleven o'clock, which had been seconded, that the yeas and nays had been taken thereon, and passed in the negative: and that he referred him to Mr. Thomson for a sight of the journals, which would inform him more certainly, and he was persuaded Mr. Thomson would readily show the journal.

SATURDAY, *January 9, 1779.*

A report from the board of treasury was read; Whereupon,

*Ordered*, That the managers of the lottery receive the bills of the emission of May 20, 1777, and April 11, 1778, in payment for lottery tickets.

A letter, of the 6th, from the board of war, was read; Whereupon,

*Resolved*, That a battalion consisting of 600 men, properly officered, be forthwith raised on continental establishment in Virginia, for the space of one year from the time of their enlistment, unless sooner discharged, under the direction of the governor and council of that state, who are hereby empowered to appoint the officers of the said battalion out of those of the Virginia line, who have been left out of the late arrangement of the continental army, as far as their numbers will reach: the regiment to consist of one lieutenant-colonel commandant and captain, one major and captain, six captains, one captain-lieutenant, seven lieutenants, nine ensigns, one surgeon, one surgeon's-mate, eight companies of 75 men each, including corporals, three sergeants, one drum and one fife to each company:

That these troops be stationed at, and not removed (except to such distances as the duty of the post may require) from the barracks in Albemarle county, as guards over the convention troops; that they receive the usual pay of the continental army, and a suit of clothes as a bounty to each non-commissioned officer and private:

That as soon as the said regiment shall be so far completed as to be able to do the duty of the post, the militia now in the service there be discharged.

A memorial from colonel Hausegger was read: whereupon, a report of the board of war of September 18th, was taken into consideration; and, thereupon,



*Resolved*, That the commissary-general of prisoners be furnished with money, from time to time, by the board of treasury, for the purpose of subsisting the officers and soldiers of the United States while in captivity and in the actual possession of the enemy, and to accommodate them with sufficient sums, on account, to defray their travelling expenses to their homes or regiments :

That the accounts of all prisoners who shall hereafter be released from captivity, for the pay and subsistence due to them while in the actual possession of the enemy, be received and adjusted by the said commissary-general, who, after charging them with the moneys he shall have supplied to them, shall certify the sums due thereon to the pay-master general, the deputy pay-master general of any military department, or pay-master of the board of war and ordnance, as shall be most convenient for the prisoners respectively, which sums shall be paid by the said pay-masters upon warrants to be given for the same, as usual for other payments made by them :

That the accounts of all prisoners heretofore released from captivity for their pay and subsistence, while in the actual possession of the enemy, and of all prisoners whatsoever, for all matters previous and subsequent thereto, be, and they are hereby, directed to be settled by the commissioners of accounts at camp, or those where Congress shall sit, according to the convenience of the prisoners respectively, each board communicating their settlements to the other, to prevent mal-practices or mistakes :

That all officers, while they continue prisoners on parole, shall receive their pay and subsistence of the pay-master general or deputy pay-master general of the department in or nearest to which they reside, by warrant from the commander in chief or general officer commanding in the department, or of the pay-master of the board of war and ordnance, by warrant from the board ; these subordinate pay-masters to transmit accounts monthly to the pay-master general of all such payments :

That, for defraying the expenses of officers and soldiers released from captivity, on their way home, or to join their regiments, the said commissary-general of prisoners, and commissioners of accounts respectively, in settling the accounts aforesaid, make an allowance of one day's pay and rations for every twenty miles such officers and soldiers had or have to travel to their homes, in case of the expiration of their time of service, or release on parole, or if otherwise, to join their regiments :

That the pay-master general and other persons, having already paid or advanced moneys to prisoners, send accounts thereof immediately to the aforesaid commissioners of accounts :

That the commissary-general of prisoners be allowed a clerk to enable him to perform the extra duty above assigned to him, to assist in the usual business of his department, and perform the duties and receive the pay and rations of a deputy commissary of prisoners.

Congress proceeded to the election of brigadiers, when, by unanimous consent,

Colonel Hogan was put in nomination as a brigadier for the North-Carolina troops ; and, the ballots being taken, col. Sumner, col. Hogan, and col. Huger, were elected brigadiers.

*Resolved*, That a brigadier be elected for the Maryland troops :

Colonel M. Gist being nominated by the delegates of the state of Maryland, by general consent,

Congress proceeded to an election ; and, the ballots being taken, col. M. Gist was elected.

The hon. Henry Laurens, esq. with the leave of the house, rose in his place to remark on a paragraph in the Pennsylvania Packet, of this day, which he conceived might make unfavorable impressions against him, and in the course

## MONDAY, January 11, 1779.

A memorial dated the 10th instant, from the hon. sieur Gérard, minister plenipotentiary of France, was read :

*Resolved*, That the subject under debate on Thursday last be immediately taken into consideration.

On the question to substitute the third set of resolutions in lieu of the two foregoing, passed in the negative.

On the question to substitute the second set of resolutions in the room of the first, resolved in the affirmative.

The first resolution in the second set was then read :

*Resolved*, That the consideration of the subject be postponed till to-morrow.

Mr. Laurens having reduced to writing the relation he gave to Congress on Saturday last, read the same in his place, and laid it on the table according to order.

## TUESDAY, January 12, 1779.

*Resolved*, That two members be added to the medical committee: the members chosen, Mr. Barke and Mr. T. Adams.

Whereas it may happen, that a part of the moneys paid for the months of September, October, and November, to the officers and soldiers of the United States, for their pay and subsistence, may be of the emissions of the 20th of May, 1777, and the 11th of April, 1778 :

*Resolved*, That in such case the pay-master general and pay-masters of the respective departments be directed to exchange such moneys, to the end that the said officers and soldiers be not deprived of the use of the same.

Congress resumed the consideration of the publications in the Pennsylvania Packet, of the 2d and 5th instant, under the title of Common Sense to the public, on Mr. Deane's affairs, of which Mr. Thomas Paine, secretary to the committee of foreign affairs, has acknowledged himself to be the author ; and also the memorials of the minister plenipotentiary of France, of the 5th and 10th inst. respecting the said publications ; Whereupon,

*Resolved, unanimously*, That in answer to the memorials of the hon. sieur Gérard, minister plenipotentiary of his most Christian majesty, of the 5th and 10th inst. the president be directed to assure the said minister, that Congress do fully, in the clearest and most explicit manner, disavow the publications referred to in his said memorials ; and as they are convinced by indisputable evidence, that the supplies shipped in the Amphitrite, Seine, and Mercury were not a present, and that his most Christian majesty, the great and generous ally of these United States, did not preface his alliance with any supplies whatever sent to America, so they have not authorized the writer of the said publications to make any such assertions as are contained therein, but on the contrary do highly disapprove of the same.

**WEDNESDAY, January 18, 1779.**

A letter, of the 18th of December, from lieutenant John Houghkirk, was read, desiring leave to resign :

*Ordered*, That his resignation be accepted.

A report from the board of treasury was read : Whereupon,

*Resolved*, That the committee of the treasury be authorized to contract with proper persons for signing bills of credit, and allow such as shall be approved by Congress and engage for twelve months, a sum not exceeding four dollars per thousand for each signer.

The board of war report, that the following French gentlemen having served as volunteers in col. Armand's corps with much reputation, as appears by the certificate of col. Armand, and the recommendations of the marquis de la Fayette and others, are now about to return to France, and therefore recommend that brevets be granted to them under the exception in the resolution against granting brevets except to officers in the line, or in cases of merit, viz.

To Mons. le chevalier de Treuson, the brevet of captain :

To Messrs. Verdier, Allain, de Majastram, Briffault, de Laumo, le Tournau, le Fievre, and the chevalier de Fontevieu, the brevets of lieutenants in the service of the United States :

*Resolved*, That Congress agree to the said report.

*Resolved*, That the sum of 400 dollars be paid to each of those gentlemen, to enable them to prosecute their voyage to France.

Another report from the board of war was read : Whereupon,

*Resolved*, That Mons. John Barnard de Murnand be appointed a major in the corps of engineers, to take rank as such from the 1st day of March last, and to receive pay and subsistence from the 1st day of February last, the latter being the time he was employed by brigadier du Portail, and the former the time he was directed by the commander in chief to act as major.

*Resolved*, That the resignation of col. Henry B. Livingston, of the 4th New-York regiment, be accepted :

*Ordered*, That the president inform col. H. B. Livingston that Congress have a high sense of the services he has rendered to his country.

*Resolved*, That the resolution of the 16th of December, respecting colonel Hartley's regiment, be re-considered, and that in lieu thereof it be resolved as follows :

*Resolved*, That the regiment lately commanded by col. Patton, (captain M'Lane, his subalterns and men raised in the Delaware state excepted,) and the independent companies raised in Pennsylvania and afterwards annexed to col. Malcolm's regiment, be incorporated with col. Hartley's regiment ; the whole to form a complete battalion upon the new establishment, and be added to the Pennsylvania line as the 11th regiment of that state ; that the several officers be arranged by the board of war, and enjoy their rank according to their commissions or appointments respectively.

Congress took into consideration a circular letter to the states reported by the board of treasury, and the same was agreed to as follows :

We cannot review the progress of the revolution which has given freedom to America, without admiring the goodness, and gratefully acknowledging the interposition of Divine Providence.

Oppressed by the prince who ought to have exerted himself for our protection, and suddenly called upon to repel his unprovoked invasion, without arms or ammunition, without military discipline or permanent finances, without an established government, or allies, enfeebled by habitual attachments to our very enemies, we were precipitated into all the expensive operations incident to a state of war with one of the most formidable nations on earth. Thus surrounded on all sides with wants, difficulties, and dangers ; notwithstanding

the internal wealth of our country, immediate taxation was impracticable. And for the same reason, and a share of ill success at different periods, we could not hope either at home or abroad to borrow money to supply our exigencies.

Humbly relying on the favor of Heaven in a righteous cause, and confiding in the justice and intrepidity of our injured fellow-citizens, we from necessity embraced the expedient of emitting paper money on the faith of the United States, for the expenses of the war, an expedient which had often been successfully practised in separate states, while we were subjected to British domination. The implacable vengeance with which we have been pursued has compelled us to the most strenuous and unremitted efforts. Large issues of money were of consequence indispensably necessary, and the paper currency multiplied beyond what was competent for the purposes of a circulating medium. This alone could not fail to discredit it in some degree: the arts of an unprincipled enemy have increased the mischief. In despair of subduing the free spirits of America by the force of arms or intrigues of negotiation, as their last effort they have had recourse to fraud. Their emissaries have been employed in a variety of artifices to debase our money, and to raise the price of commodities. The fears and apprehensions of the people have been alarmed by misrepresentations, while our enemies of the highest rank have not hesitated to counterfeit the bills of credit and disperse them through the United States.

Such being the embarrassments which interrupt a free circulation of our paper money, they loudly call for a remedy, and Congress, from a regard to good faith, to private justice, and to public safety, are bound to apply it. Happily, by a combination of auspicious events, every obstacle is removed, and the means placed within our reach. Those hostile armies which attempted to enslave us, no longer formidable, are wasted and dispersed. Our independence is established on a firm basis. Our respective governments, which compose the union, are settled and in the vigorous exercise of untroubled authority. An alliance on terms of perfect equality is formed with one of the greatest nations on earth; and freed in a high degree from external assaults, we have leisure to direct our attention to economy and our resources to support the public credit.

To raise the value of our paper money and to redeem it, will not, we are persuaded, be difficult, nor to check and defeat the pernicious currency of counterfeits impracticable; both require a far less share of public virtue and public vigilance than have distinguished this arduous conflict.

Without public inconvenience or private distress, the whole of the debt incurred in paper emissions to this day may be cancelled by taxes; it may be cancelled in a period so limited as must leave the possessor of the bills satisfied with his security, and if by a continuance of the war, the public service should demand further emissions, they too may be cancelled within the same period: it being evident that our ability to sustain a tax must increase in proportion to the quantity of money in circulation.

The danger from counterfeits can only be avoided by calling in and exchanging the emissions, which have chiefly suffered by that species of fraud. To publish the marks of detection and still to leave the true bills current will not be prudent, as it must afford an opportunity of correcting defects and cheating more securely.

To defend the emission intended for the exchange from counterfeit, the strongest guards will be devised, and it is expected that the marks of authenticity will be so obvious, and the difficulty of successful imitation so great, as to discourage the attempt or elude its effects.

Upon those weighty considerations Congress have agreed to the annexed resolutions, and recommend them to the immediate attention of the respective

The delegates of Massachusetts-Bay produced credentials of their appointment, which were read.

The determination of the question for re-considering the 9th proposition, which was yesterday postponed at the request of a state, was called for, and the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Frost,	no			Scudder,	no	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	no	} no		Fell,	no	} no
	Gerry,	no		<i>Pennsylvania,</i>	Mr. Roberdeau,	no	
	Lovell,	no		<i>Maryland,</i>	Mr Paca,	ay	} ay
	Holten,	no			Henry,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no	<i>Virginia,</i>	Mr. F. L. Lee,	ay	} .
<i>Connecticut,</i>	Mr. Dyer,	no			M. Smith,	ay	
	Ellsworth,	no	} no	<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	Root,	ay			Hill,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} div.		Burke,	ay	} ay
	Floyd, <i>excused,</i>			<i>S.-Carolina,</i>	Mr. Laurens,	ay	
	Lewis,	no			Drayton,	ay	} ay
					Hutson,	ay	
				<i>Georgia,</i>	Mr. Langworthy,	ay	>ay

So it passed in the negative.

A report from the board of treasury was read ; Whereupon,

*Resolved,* That, during the continuance of the high prices of the necessaries of life, the salary of the treasurer of loans be encreased to \$,500 dollars per annum.

The board of treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to as follows :

Whereas these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honor and safety, as well as justice, is highly concerned to support and establish ; and, whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which, in due time, without distressing the people, shall make adequate provision for the same : and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation ; therefore,

*Resolved,* That these United States be called on to pay in their respective quotas of 15,000,000 of dollars for the year 1779, and of 6,000,000 of dollars annually for 18 years, from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31st of December, 1778, inclusive :

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

That any of the bills emitted by order of Congress, prior to the year 1780, and no others, be received in payment of the said quotas :

That the bills received on the said quotas, except those for the year 1779, be applied first for the payment of the interest, and secondly, for the principal of loans made by these United States prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued but burned and destroyed, as Congress shall direct.

And, whereas, many counterfeits have appeared in circulation, of various



denominations, of the emissions of May 20, 1777, and April 11, 1778, and counterfeits of those emissions have lately been issued by our enemies at New-York, and are found to be spreading and increasing fast in various parts of these United States, whereby individuals are defrauded, prices enhanced, and the credit of the paper currency greatly injured ; and it is become necessary for the security of individuals and safety of the public, that those two emissions should cease to be a circulating medium, and should be called in and exchanged, or otherwise provided for, as soon as may be, with convenience to the present holders ; therefore,

*Resolved*, That the following bills be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778 :

That they be brought in for that purpose in the manner hereafter provided, by the first day of June next, and not afterwards redeemable :

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next :

That they be received, until the first day of June next, into the continental loan-offices, either on loan or to be exchanged, at the election of the owners, for other bills of like tenor, to be provided for that purpose :

That the bills lodged in the said offices to be so exchanged, be there registered, and indented certificates thereof be given to the owners by the respective commissioners of the said offices :

That the commissioners of the loan-offices make returns to the treasury-board immediately after the first day of June next, of the amount of the bills received in their respective offices to be exchanged as aforesaid, and that proper bills to exchange the same be furnished, and ready to be delivered out at the said offices, within sixty days from and after the said first day of June.

That the first mentioned bills, as they are brought into the treasuries and the loan offices, be immediately crossed and struck through with a circular punch, one inch diameter, to be afterwards examined and burned, as Congress shall direct.

*Ordered*, That the board of treasury prepare a circular letter to the states, to accompany the foregoing resolutions.

MONDAY, *January 4, 1779.*

Mr. W. Shippen, a delegate for Pennsylvania, attended and took his seat in Congress :

On motion, *Resolved*, That a committee, to consist of a member from each state, be appointed to apportion the quotas of the taxes called for and to be paid by the several states the current year, for redeeming the continental bills of credit emitted by order of Congress : the members chosen, Mr. Whipple, Mr. Holten, Mr. Collins, Mr. Root, Mr. Duane, Mr. Scudder, Mr. Searle, Mr. M'Kean, Mr. Paca, Mr. Smith, Mr. Burke, Mr. Laurens, and Mr. Langworthy.

*Ordered*, That the committee sit on this business this afternoon, and report to-morrow.

TUESDAY, *January 5, 1779.*

*Ordered*, That three members be added to the committee on the post-office : the members chosen, Mr. Paca, Mr. Ellery, and Mr. Laurens.

A letter from lieutenant-colonel Fleury, was read : Whereupon,

*Resolved*, That Mons. Fleury be informed that Congress do not think it proper to apply to the minister of France in his behalf, though they should be pleased with his continuance in the service of the United States, if he can himself obtain leave for that purpose.

A memorial from Mons. Oneil was read, making a tender of his services, and desiring to be employed in count Pulaski's corps : Whereupon,



The delegates of Massachusetts-Bay produced credentials of their appointment, which were read.

The determination of the question for re-considering the 9th proposition which was yesterday postponed at the request of a state, was called for, and the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Frost,	no			Scudder,	no	
<i>Massa'ette-Bay,</i>	Mr. S. Adams,	no	} no	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	} no
	Gerry,	no		<i>Maryland,</i>	Mr. Paca,	ay	
	Lovell,	no			Henry,	ay	} ay
	Holten,	no		<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no		M. Smith,	ay	} ay
<i>Connecticut,</i>	Mr. Dyer,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Ellsworth,	no	} no		Hill,	ay	} ay
	Root,	ay			Burke,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} div.	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Floyd, <i>excused,</i>				Drayton,	ay	
	Lewis,	no		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay

So it passed in the negative.

A report from the board of treasury was read ; Whereupon,

*Resolved,* That, during the continuance of the high prices of the necessaries of life, the salary of the treasurer of loans be increased to 3,500 dollars per annum.

The board of treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to as follows :

Whereas these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honor and safety, as well as justice, is highly concerned to support and establish ; and, whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which, in due time, without distressing the people, shall make adequate provision for the same : and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation ; therefore,

*Resolved,* That these United States be called on to pay in their respective quotas of 15,000,000 of dollars for the year 1779, and of 6,000,000 of dollars annually for 18 years, from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31st of December, 1778, inclusive :

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

That any of the bills emitted by order of Congress, prior to the year 1780, and no others, be received in payment of the said quotas :

That the bills received on the said quotas, except those for the year 1779, be applied first for the payment of the interest, and secondly, for the principal of loans made by these United States prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued but burned and destroyed, as Congress shall direct.

And, whereas, many counterfeits have appeared in circulation, of various

denominations, of the emissions of May 20, 1777, and April 11, 1778, and counterfeits of those emissions have lately been issued by our enemies at New-York, and are found to be spreading and increasing fast in various parts of these United States, whereby individuals are defrauded, prices enhanced, and the credit of the paper currency greatly injured ; and it is become necessary for the security of individuals and safety of the public, that those two emissions should cease to be a circulating medium, and should be called in and exchanged, or otherwise provided for, as soon as may be, with convenience to the present holders ; therefore,

*Resolved*, That the following bills be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778 :

That they be brought in for that purpose in the manner hereafter provided, by the first day of June next, and not afterwards redeemable :

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next :

That they be received, until the first day of June next, into the continental loan-offices, either on loan or to be exchanged, at the election of the owners, for other bills of like tenor, to be provided for that purpose :

That the bills lodged in the said offices to be so exchanged, be there registered, and indented certificates thereof be given to the owners by the respective commissioners of the said offices :

That the commissioners of the loan-offices make returns to the treasury-board immediately after the first day of June next, of the amount of the bills received in their respective offices to be exchanged as aforesaid, and that proper bills to exchange the same be furnished, and ready to be delivered out at the said offices, within sixty days from and after the said first day of June.

That the first mentioned bills, as they are brought into the treasuries and the loan offices, be immediately crossed and struck through with a circular punch, one inch diameter, to be afterwards examined and burned, as Congress shall direct.

*Ordered*, That the board of treasury prepare a circular letter to the states, to accompany the foregoing resolutions.

MONDAY, *January 4*, 1779.

Mr. W. Shippen, a delegate for Pennsylvania, attended and took his seat in Congress :

On motion, *Resolved*, That a committee, to consist of a member from each state, be appointed to apportion the quotas of the taxes called for and to be paid by the several states the current year, for redeeming the continental bills of credit emitted by order of Congress : the members chosen, Mr. Whipple, Mr. Holten, Mr. Collins, Mr. Root, Mr. Duane, Mr. Scudder, Mr. Searle, Mr. M'Kean, Mr. Paca, Mr. Smith, Mr. Burke, Mr. Laurens, and Mr. Langworthy.

*Ordered*, That the committee sit on this business this afternoon, and report to-morrow.

TUESDAY, *January 5*, 1779.

*Ordered*, That three members be added to the committee on the post-office : the members chosen, Mr. Paca, Mr. Ellery, and Mr. Laurens.

A letter from lieutenant-colonel Fleury, was read : Whereupon,

*Resolved*, That Mons. Fleury be informed that Congress do not think it proper to apply to the minister of France in his behalf, though they should be pleased with his continuance in the service of the United States, if he can himself obtain leave for that purpose.

A memorial from Mons. Oneil was read, making a tender of his services, and desiring to be employed in count Pulaski's corps : Whereupon,

So it was resolved in the affirmative.

*Ordered*, That the secretary inform Mr. Deane that Congress will give him notice of the time when he shall attend again, which will probably be this evening.

SIX O'CLOCK, P. M.

A letter, of September 10th, from Jonathan Williams, at Nantes, was read, with a number of papers accompanying it:

*Ordered*, That the same lie on the table for the perusal of the members.

According to order, brigadier W. Thompson attending, was called in, and the witnesses being examined, he withdrew.

*Ordered*, That brigadier W. Thompson be called in and informed, that if he has any thing to offer in his defence, the house is ready to hear him, but that if he requires time to make his defence, it will be allowed him.

Brigadier Thompson being called in and informed of the order of the house, desired that the paper he had in his hand might be read:

The same being read, and he having nothing further to offer, general Thompson was ordered to withdraw, and accordingly he withdrew.

Adjourned to ten o'clock to-morrow.

THURSDAY, *December 24, 1778.*

Mr. Samuel Atlee, a delegate from Pennsylvania, attended, and took his seat in Congress.

The president informed Congress that gen. Washington was arrived in town, pursuant to their orders: Whereupon,

*Resolved*, That the commander in chief be introduced to Congress, and informed from the chair, that Congress have directed his attendance in order, among other things, to confer with him on the operations of the next campaign, and that a committee will be appointed for that purpose.

*Ordered*, That the secretary present the commander in chief with the foregoing resolution, and acquaint him that Congress are now ready to receive him.

In pursuance of the foregoing order, the commander in chief attended, and being informed by the president of the end for which Congress has desired his attendance, and that a committee will be appointed agreeably to the foregoing resolution, he withdrew.

Congress proceeded to the election of a committee: the members chosen, are Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, and Mr. Laurens.

Congress took into consideration the charge against brigadier W. Thompson; and the defence being read,

A motion was made, that the apology made by brigadier-general Thompson be accepted at satisfactory:

The charge and depositions were then called for, and a motion was made, that the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier gen. Thompson, and the other in his exculpation, be rejected, the same being taken *ex parte*:

To which an amendment was moved, by way of substitute,

That the examination of Mr. justice Atlee, taken before Congress on Monday the 7th inst. in support of the charge against brigadier Thompson, be rejected, and that the deposition of col. Noarth, produced last night by brigadier Thompson in his own exculpation from the charge, be also rejected:

A question was taken, whether, consistent with order, the latter proposition can be offered as an amendment to the former:

On which the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Rhode-Island</i> ,	Mr. Ellery,	ay	} ay
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay		<i>Connecticut</i> ,	Mr. Dyer,	ay	
Gerry,	ay			Ellsworth,	ay	
Lovell,	ay			Root,	ay	
Holten,	ay					

<i>New-York,</i>	Mr. Jay.	no	} no	<i>Maryland,</i>	Mr. Carmichael,	ay	} ay
	Duane,	no			Henry,	ay	
	G. Morris,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	} dir.
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} div.		Hill,	no	
	Fell,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay		Drayton,	ay	
	Atlee,	ay			Hutson,	ay	
<i>Delaware</i>	Mr. M'Kean,	ay	} ay	<i>Georgia,</i>	Mr. Langworthy,	ay	} ay

So it was resolved to be in order.

The question being put on the amendment, passed in the negative.

The main question was then divided, and on the question, that the examination of Mr. justice Atlee be rejected,

The yeas and nays were required by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	ay			Atlee,	ay	
	Gerry,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	ay			Henry,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay	<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Connecticut,</i>	Mr. Dyer,	ay			M. Smith,	ay	} ay
	Ellsworth,	ay	} ay		Griffin,	ay	
	Root,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
<i>New-York,</i>	Mr. Jay,	ay	} ay		Hill,	ay	
	Duane,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	} div.
	G. Morris,	ay			Hutson,	ay	
	Lewis,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay				
	Fell,	ay					

So it was resolved in the affirmative.

The question was then put, that the deposition of col. Noarth be rejected : resolved in the affirmative.

The question was put, whether the words "the same having been taken, *ex parte*" shall stand?

On which the yeas and nays being required by Mr. F. L. Lee,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	ay			Atlee,	ay	
	Gerry,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	no	} no
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	ay			Henry,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay	<i>Virginia,</i>	Mr. F. L. Lee,	no	
<i>Connecticut,</i>	Mr. Dyer,	ay			M. Smith,	ay	} ay
	Ellsworth,	no	} ay		Griffin,	ay	
	Root,	ay		<i>North-Carolina,</i>	Mr. Penn,	ay	} ay
<i>New-York,</i>	Mr. Jay,	ay	} ay		Hill,	ay	
	Duane,	ay		<i>South-Carolina,</i>	Mr. Laurens,	no	} div.
	G. Morris,	ay			Hutson,	ay	
	Lewis,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay				
	Fell,	ay					

So it was resolved in the affirmative.

The question being taken on the whole,

*Resolved,* That the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier W. Thompson, and the other in his exculpation, be rejected, the same having been taken *ex parte*.

The proceedings on the journal relative to brigadier Thompson, the charge and the deposition of witnesses, were then read : Whereupon, a motion was made, that brigadier-general Thompson is guilty of a breach of privilege :

On this question the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Rhode-Island,</i>	Mr. Ellery,	no	} no
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	ay		<i>Connecticut,</i>	Mr. Ellsworth,	ay	
	Gerry,	ay	} ay		Root,	ay	} ay
	Lovell,	ay					
	Holten,	ay					

<i>New-York,</i>	Mr. Jay,	no	} div.	<i>Virginia,</i>	Mr. F. L. Lee,	ay	} ay
	Duane,	ay			M. Smith,	ay	
	G. Morris,	no			Griffin,	no	
	Lewis,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	} no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} div.		Hill,	no	
	Fell,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} div.		Drayton,	no	
	Atlee,	no			Hutson,	ay	
<i>Delaware,</i>	Mr. M'Kean, <i>excused</i>			<i>Georgia,</i>	Mr. Langworthy,	ay	> ay
<i>Maryland,</i>	Mr. Carmichael,	no	} no				
	Henry,	no					

So it was then resolved in the affirmative.

It was then moved, that general Thompson's apology is satisfactory :

On which the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	> ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay
<i>Massa'tts-Bay,</i>	Mr. S. Adams,	no	} no		Atlee,	ay	
	Lovell,	no		<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Holten,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
<i>Rhode-Island,</i>	Mr. Ellcry,	ay	> ay		Henry,	ay	} ay
<i>Connecticut,</i>	Mr. Ellsworth,	ay	} div.	<i>Virginia,</i>	Mr. F. L. Lee,	ay	
	Root,	no			M. Smith,	ay	} ay
<i>New-York,</i>	Mr. Jay,	ay	} ay		Griffin,	ay	
	Duane,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	G. Morris,	ay			Hill,	ay	
	Lewis,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	} ay
<i>New-Jersey,</i>	Mr. Witherspoon,	no	} div.		Drayton,	ay	
	Fell,	ay			Hutson,	ay	
				<i>Georgia,</i>	Mr. Langworthy,	ay	> ay

So it was resolved in the affirmative.

Adjourned to ten o'clock on Saturday.

#### SATURDAY, December 26, 1778.

A letter, of the 21st, from Abraham Clarke, of New-Jersey, was read, enclosing affidavits respecting the conduct of brigadier Maxwell in resisting a writ of Habeas Corpus :

*Ordered,* That the same be referred to a committee of three : the members chosen, Mr. Duane, Mr. Burke, and Mr. Fell.

A memorial from Josiah Smith, surgeon, and others, late of the Revenge cutter, captain Cunningham, was read :

*Ordered,* That it be referred to the marine committee.

Congress resumed the consideration of the report of the committee of the whole on the subject of finance, when the 6th proposition was read, viz.

6. That proper bills be provided and ready to be delivered out at said offices, to complete the said exchanges as soon as possible, and that due notice be given to all parties by public advertisements, as soon as the same shall be ready :

A motion was made to strike out the words "as soon as possible," and what follows to the end, and to insert in place thereof "by the first day of June next."

Another motion was made, to substitute the following resolution :

That the commissioners of the loan-offices make returns to the treasury board immediately after the 1st day of June next, of the amount of the bills received into their respective offices, to be exchanged as aforesaid, and that proper bills to exchange the same be furnished and ready to be delivered out at their said offices within sixty days from and after the said first day of June :

To which it was moved to add as follows :

And that the proprietors of bills brought into the loan-offices shall be entitled to and receive an interest on the sums respectively brought in as aforesaid, at the rate of six per centum per annum, from the 1st of June aforesaid, to the day on which they shall be exchanged :

On the question to agree to this addition,

The yeas and nays being required by Mr. Laurens,

<i>N. Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	}	no
	Frost,	no				Atlee,	no		
<i>Mass'ns-Bay,</i>	Mr. Gerry,	no	}	no	<i>Maryland,</i>	Mr. Carmichael,	ay	}	ay
	Lovell,	no				Henry,	ay		
	Holten,	no			<i>Virginia,</i>	Mr. M. Smith,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no		Griffin,	ay	}	+
<i>Connecticut,</i>	Mr. Dyer,	no			<i>N.-Carolina,</i>	Mr. Penn,	no		
	Ellsworth,	no	}	no		Williams,	ay	}	div.
	Root,	no				Hill,	ay		
<i>New-York,</i>	Mr. Jay,	no				Burke,	no		
	Duane,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	}	ay
	Lewis,	ay			<i>Georgia,</i>	Mr. Langworthy,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no					
	Fell,	no							

So it passed in the negative.

The amendment being adopted, on the question to agree to the same,

The yeas and nays being required by Mr. Burke,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	}	ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	}	ay
	Frost,	ay				Atlee,	ay		
<i>Mass'ns-Bay,</i>	Mr. Gerry,	ay	}	ay	<i>Maryland,</i>	Mr. Carmichael,	ay	}	ay
	Lovell,	ay				Henry,	ay		
	Holten,	ay			<i>Virginia,</i>	Mr. M. Smith,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no		Griffin,	no	}	+
<i>Connecticut,</i>	Mr. Dyer,	ay			<i>N.-Carolina,</i>	Mr. Penn,	ay		
	Ellsworth,	ay	}	ay		Williams,	no	}	no
	Root,	ay				Hill,	no		
<i>New-York,</i>	Mr. Jay,	no				Burke,	no		
	Duane,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	}	no
	Lewis,	ay			<i>Georgia,</i>	Mr. Langworthy,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	}	ay					
	Fell,	ay							

So it was resolved in the affirmative.

The 7th proposition was then read, and agreed to as follows:

7. That the first mentioned bills, as they are brought into the treasury and loan-offices, be immediately crossed and struck through with a circular punch of one inch diameter, to be afterwards examined and burned, as Congress shall direct.

*Ordered,* That Mr. Deane be notified to attend Congress on Monday next, at ten o'clock A. M.

Adjourned to ten o'clock on Monday.

MONDAY, December 28, 1778.

There not being a sufficient number of states to proceed to business,  
Adjourned to ten o'clock to-morrow.

TUESDAY, December 29, 1778.

Mr. Scudder, a delegate from New-Jersey, attended, and took his seat.

A letter, of this day, from J. Morgan, was read; Whereupon,

*Resolved,* That a member be added to the committee on the memorial from Dr. Morgan, in the room of Mr. Harvie: the member chosen, Mr. M. Smith.

A letter, of the 17th, from G. Clinton, governor of New-York, was read:

A letter, of the 15th, from colonel Malcolm, was read, enclosing a return of the military stores and garrison of forts Clinton and Constitution:

*Ordered,* That the same be referred to the board of war.

*Resolved,* That two brigadiers be appointed for the troops of North-Carolina.

Col. Jethro Sumner and col. Thomas Clarke are nominated for brigadiers by the delegates of North-Carolina.



**Resolved**, That a committee of three be appointed to enquire into the state of the Pennsylvania troops, and report whether an additional brigadier is wanting for the troops of that state: the members chosen, Mr. M'Kean, Mr. Burke, and Mr. Atlee.

**Resolved**, That an additional brigadier be appointed for the troops of South-Carolina.

Colonel Isaac Huger is nominated by the delegates of South-Carolina.

Congress proceeded to consider the subject of finance, and a set of resolutions relative thereto being read,

**Ordered**, That the further consideration thereof be postponed till to-morrow.

A motion was made as follows:

Whereas a report hath circulated in divers parts of America, that Congress would not redeem the bills of credit issued by them to defray the expenses of the war, but would suffer them to sink in the hands of the holder, whereby the value of the said bills hath, in the opinion of many of the good people of these states, depreciated; and lest the silence of Congress might give strength to the said report;

**Resolved**, That the said report is false and derogatory to the honor of Congress.

A motion was made that the consideration thereof be postponed;

On which the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> , Mr. Witherspoon,	ay	} no
Frost,	ay		Scudder,	no	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	ay	} ay	Fell,	no	} no
Gerry,	ay		Mr. Roberdeau,	no	
Holten,	ay	} ay	Atlee,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay		Searle,	no	
Collins,	ay	} ay	<i>Delaware</i> , Mr. M'Kean,	no	} no
<i>Connecticut</i> , Mr. Dyer,	ay		<i>Maryland</i> , Mr. Carmichael,	no	
Ellsworth,	ay	} ay	Henry,	ay	} div
Root,	ay		<i>Virginia</i> , Mr. F. L. Lee,	ay	
<i>New-York</i> , Mr. Jay,	no	} no	M. Smith,	no	} *
Duane,	no		<i>N.-Carolina</i> , Mr. Penn,	no	
G. Morris,	no	} no	Hill,	no	} no
			Burke,	ay	
			<i>S.-Carolina</i> , Mr. Drayton,	no	} no

So it passed in the negative.

Ater debate the previous question was moved;

On which the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>New-Jersey</i> , Mr. Scudder,	no	} no
Frost,	ay		Fell,	no	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Pennsylvania</i> , Mr. Roberdeau,	ay	} no
Gerry,	ay		Atlee,	no	
Holten,	ay	} ay	Searle,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	
Collins,	ay	} ay	<i>Maryland</i> , Mr. Carmichael,	no	} *
<i>Connecticut</i> , Mr. Dyer,	ay		<i>Virginia</i> , Mr. F. L. Lee,	ay	
Ellsworth,	ay	} ay	M. Smith,	ay	} ay
Root,	ay		<i>N.-Carolina</i> , Mr. Penn,	no	
<i>New-York</i> , Mr. Jay,	no	} no	Hill,	no	} no
Duane,	no		Burke,	ay	
G. Morris,	no	} no	<i>S.-Carolina</i> , Mr. Drayton,	no	} no

So the states were equally divided.

The main question being then put,

And the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	no	} div.	<i>Rhode-Island</i> , Mr. Ellery,	no	} no
Frost,	ay		Collins,	no	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	no	} ay	<i>Connecticut</i> , Mr. Dyer,	ay	} no
Gerry,	ay		Ellsworth,	no	
Holten,	ay	} ay	Root,	no	} no

<i>New-York,</i>	Mr. Jay,	ay	} ay	<i>Delaware,</i>	Mr. McKean,	ay	} ay
	Duane,	ay		<i>Virginia,</i>	Mr. F. L. Lee,	ay	
	G. Morris,	ay			M. Smith,	no	
<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay	<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	Fell,	ay			Hill,	ay	
<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay	<i>S.-Carolina,</i>	Burke,	no	
	Atlee,	ay			Mr. Drayton,	ay	} ay
	Searle,	ay					

So it was resolved in the affirmative.

On the question to agree to the preamble, the yeas and nays being required by Mr. Ellery,

<i>New-Hampshire,</i>	Mr. Frost,	no	} no	<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	no			Fell,	ay	
	Gerry,	ay	} ay	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	} ay
	Holten,	ay			Atlee,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} div.		Searle,	ay	
	Collins,	ay		<i>Virginia,</i>	Mr. M. Smith,	no	} no
<i>Connecticut,</i>	Mr. Dyer,	ay	} no	<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Ellsworth,	no			Hill,	ay	} ay
	Root,	no		<i>S.-Carolina,</i>	Mr. Drayton,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay				
	Duane,	ay					
	G. Morris,	ay					

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

### WEDNESDAY, December 30, 1778.

There not being a sufficient number of states to proceed to business,

Adjourned to ten o'clock to-morrow.

### THURSDAY, December 31, 1778.

A letter, of the 30th, from Mr. Deane, was read, informing, that he waits the orders of Congress, and that he has received letters which he is desirous to communicate personally, which relate to parts of his narration; Whereupon,

**Ordered,** That Mr. Deane be notified to attend immediately.

A letter, of the 3d, from major-general Gates, at Boston, was read, enclosing a letter of the 1st to him from major-gen. Philips, proposing to enter into a negotiation with him for a release of the troops of the convention of Saratoga:

**Ordered,** That the letter from major-gen. Philips lie on the table, and that the president inform major-gen. Gates that Congress approve his conduct.

A letter, of the 16th, from B. Harrison, deputy pay-master general in Virginia, was read, enclosing his monthly account:

**Ordered,** That the same be referred to the board of treasury.

A memorial from R. Patton, messenger, and one from W. Hurrie, door-keeper, were read: Whereupon,

**Resolved,** That the sums deducted from the former accounts of the memorialists, by the commissioners of claims, be paid them as a reward for extraordinary service; and that they be paid what is now due to them at the rate of three dollars a day; and that they be paid for the future at the rate of four dollars a day.

A letter, of November 30th, from major-gen. Gates, was read, enclosing a memorial from brigadier du Portail, respecting the fortifying the harbor at Boston:

**Ordered,** That the same be referred to the marine committee.

Mr. Deane attending, was called in, and gave further information in writing, and having finished,

**Ordered,** That he withdraw into the next room.

Accordingly he withdrew: whereupon, a motion was made,

That a day be now assigned for Mr. Deane to attend Congress, that such questions may be asked as the house shall think proper, to elucidate the subject of his narrative: question put, passed in the negative.

*Ordered*, That Mr. Deane be called in and informed that he has leave to withdraw, and that Congress will notify to him their future orders:

Mr. Deane being called in, was informed of the foregoing order, and withdrew.

Congress proceeded to the subject of finance; and thereupon,

7. *Resolved*, That, in addition to the 15,000,000 of dollars to be paid the year ensuing, the states be called on to pay in their quotas of 6,000,000 dollars, annually, for 18 years, commencing with the year 1780, as a fund for sinking the loans and emissions of these United States to the 31st day of December, 1778, inclusive:

8. That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid:

9: That any of the bills of credit, emitted by order of Congress prior to the year 1780, and no others, be received in payment of the said quotas:

On the question to agree to this resolution, the yeas and nays being required by Mr. Burke,

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>New-Jersey</i> ,	Mr. Witherspoon,	ay	}	ay
Frost,	ay				Scudder,	ay		
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay	}	ay		Fell,	ay	}	ay
Gerry,	ay			<i>Pennsylvania</i> ,	Mr. Roberdeau,	ay		
Holten,	ay	}	ay		Atlee,	ay	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay			<i>Delaware</i> ,	Mr. M'Kean,	no		
Collins,	ay	}	ay	<i>Maryland</i> ,	Mr. Henry,	no	}	no
<i>Connecticut</i> , Mr. Dyer,	ay			<i>Virginia</i> ,	Mr. M. Smith,	no		
Ellsworth,	ay	}	ay		Griffin,	no	}	no
Root,	ay			<i>N.-Carolina</i> ,	Mr. Hill,	no		
<i>New-York</i> , Mr. Jay,	no	}	ay		Burke,	no	}	no
Duane,	ay			<i>S.-Carolina</i> ,	Mr. Drayton	no		
Lewis,	ay	}	ay				}	no

So it was resolved in the affirmative.

10. That the bills received on the said quotas be applied, first, to the payment of the interest, secondly, of the principals of loans made by these United States prior to the year 1780; and that the residue of the said bills, together with the 15,000,000 of dollars for the year ensuing, be not re-issued, but burned or destroyed, as Congress shall direct:

*Ordered*, That the committee of the treasury select from the journal the resolutions respecting the calling in certain emissions, and providing a fund for sinking bills of credit emitted by Congress, and prepare a proper preamble.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 1, 1779.

A letter, of the 31st of December, from gen. Washington, was read, respecting brigadier du Portail, and the engineers of his corps:

Whereupon, a report from the board of war on the same subject, in consequence of the general's letter of the 16th of November last, was taken into consideration, and Congress came to the following resolutions:

Whereas gen. Washington has expressed his opinion of the merit and abilities of brigadier-general du Portail, as being well acquainted with the branch he professes, and a gentleman of real knowledge in military science in general, and has a very favourable opinion of Messrs. la Radiere, Loumoy, and de Gouvion, who have served with reputation as engineers in the army of the United States; and has represented that in his judgment they will be necessary and useful in future operations:

*Resolved*, That brigadier du Portail, and Messrs. la Radiere, Loumoy, and

FRIDAY, *January 15, 1779.*

The hon. Mr. Lewis having reduced to writing the substance of the conversation between him and the hon. Mr. Laurens, on the subject laid before the house in writing by Mr. Laurens on the 11th instant, and also what he knows respecting the matter which was the subject of that conversation, laid the same on the table according to order.

At the request of Mr. Laurens,

*Ordered*, That he be furnished with a copy thereof.

The committee, consisting of Mr. M. Smith, Mr. Ellery, and Mr. Drayton, to whom was referred the letter of the 28th of November last from Mons. de Francey, having brought in a report, the same was taken into consideration; and thereupon,

*Resolved*, That according to the agreement entered into with Mr. de Francey, agent of Mons. de Beaumarchais, at York, on the 7th day of April, 1778, remittance should be made with all convenient despatch to the said Mr. de Beaumarchais.

*Resolved*, That the requisition of Mr. de Francey, in his letter of the 28th of November last, is reasonable, and that 3000 hogsheads of tobacco, on account of these United States, be purchased, to be laden on board the ships mentioned in the said letter.

*Resolved*, That the following letter be written to Mr. de Beaumarchais:

SIR, The Congress of the United States of America, sensible of your exertions in their favour, present you with their thanks, and assure you of their regard.

They lament the inconveniencies you have suffered by the great advances made in support of these states. Circumstances have prevented a compliance with their wishes, but they will take the most effectual measures in their power to discharge the debt due to you.

The liberal sentiments and extensive views which alone could dictate a conduct like yours, are conspicuous in your actions and adorn your character. While with great talents you served your prince, you have gained the esteem of this infant republic and will receive the merited applause of a new world.

By order of Congress,  
*President.*

SATURDAY, *January 16, 1779.*

The board of treasury having considered a letter from the commissioners of accounts in the northern department of the 12th of November, and another of the 29th of December last, report,

That Eleazer Wales and Edward Chin, esqrs. two of the commissioners of accounts in the northern department, continue their office at Albany until the 1st of April next, and then repair with their books and papers to the board of treasury; and that John Wells, esq. be informed that his immediate attendance is necessary in the chamber of accounts:

*Resolved*, That Congress agree to the said report.

*Resolved*, That the commissioners of the treasury be authorized to direct the treasurer to exchange, for any officers entrusted with public money by the United States, such part thereof not having been expended by him as he shall declare on oath to be in his possession in bills of the emissions of May the 20th, 1777, and April 11th, 1778.

The committee on the treasury, who were directed to extract from the journals the several resolutions respecting finance, in order that they may be printed, reported that they have executed that business, and are of opinion that the circular letter and the resolutions of the 2d, and 5th inst. be printed on one sheet; that the others be printed in a separate sheet; that 100 copies of each be struck off; and that the circular letter to the states be

The delegates of Massachusetts-Bay produced credentials of their appointment, which were read.

The determination of the question for re-considering the 9th proposition, which was yesterday postponed at the request of a state, was called for, and the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Frost,	no			Scudder,	no	
<i>Massachusetts-Bay,</i>	Mr. S. Adams,	no	} no	<i>Pennsylvania,</i>	Mr. Roberdeau,	no	} no
	Gerry,	no		<i>Maryland,</i>	Mr. Paca,	ay	
	Lovell,	no			Henry,	ay	} ay
	Holten,	no		<i>Virginia,</i>	Mr. F. L. Lee,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no		M. Smith,	ay	} ay
<i>Connecticut,</i>	Mr. Dyer,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Ellsworth,	no	} no		Hill,	ay	} ay
	Root,	ay			Burke,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} div.	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Floyd, excused,				Drayton,	ay	
	Lewis,	no		<i>Georgia,</i>	Mr. Langworthy,	ay	

So it passed in the negative.

A report from the board of treasury was read ; Whereupon,

*Resolved,* That, during the continuance of the high prices of the necessaries of life, the salary of the treasurer of loans be increased to 3,500 dollars per annum.

The board of treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to as follows :

Whereas these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honor and safety, as well as justice, is highly concerned to support and establish ; and, whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which, in due time, without distressing the people, shall make adequate provision for the same : and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation ; therefore,

*Resolved,* That these United States be called on to pay in their respective quotas of 15,000,000 of dollars for the year 1779, and of 6,000,000 of dollars annually for 18 years, from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31st of December, 1778, inclusive :

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

That any of the bills emitted by order of Congress, prior to the year 1780, and no others, be received in payment of the said quotas :

That the bills received on the said quotas, except those for the year 1779, be applied first for the payment of the interest, and secondly, for the principal of loans made by these United States prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued but burned and destroyed, as Congress shall direct.

And, whereas, many counterfeits have appeared in circulation, of various

**Resolved**, That a member be added to the committee on the provision departments: the member chosen, Mr. F. L. Lee.

A letter, of the 21st, from gen. Washington, was read: Whereupon,

**Resolved**, That col. Rawlings and such of the officers of his corps as shall be appointed by the commander in chief, forthwith recruit three companies of that corps to the full complement:

That the volunteers be inlisted for the war, and ordered to repair to Fort-Pitt:

That each able bodied recruit who shall pass muster, shall be allowed such bounties as are or shall be granted by Congress for recruiting the army for the ensuing campaign; and that the board of war take proper measures for carrying this resolution into effect.

A letter, of the 6th, from major-general Philips, was read, requesting leave to go into New-York, and to be permitted to remain there six weeks: Whereupon,

**Resolved**, That, however willing Congress may be to soften the rigors of war by granting every indulgence to officers who are prisoners, yet justice to their own officers, who are all summoned into New-York, forbids their granting major-general Philips's request.

**Ordered**, That the commander in chief be directed to order major-general Philips immediately to repair to the place of his destination in Virginia.

Congress took into consideration the report of the committee, consisting of Mr. G. Morris, Mr. Reed, Mr. Witherspoon, on sundry letters from major-general Mifflin, late quarter-master general, which was read, as follows:

"We, your committee, appointed by a resolve of the 17th of August last, upon sundry letters addressed to Congress by major-general Mifflin, late quarter-master general, beg leave to report,

That, upon perusal of sundry letters wrote by the commander in chief during last winter, and by your committee then sitting in camp, it appears that the troops suffered very great and sore distress in the articles of provisions, forage, and camp transportation; that the said distress is therein ascribed to the neglect, deficiencies, or other mismanagement of the said department:

That Congress on the 11th of June last, passed the following resolve, viz.

"That gen. Washington be directed to order an enquiry to be made into the conduct of major-general Mifflin, late quarter-master general, and the other officers who acted under him in that department, and if it shall appear that the extraordinary deficiencies thereof, and the consequent distresses of the army, were chargeable to the misconduct of the said quarter-master general, or any of the said officers, that a court-martial be forthwith held on the delinquents."

That it does not appear to your committee that any proceedings have been since had thereupon. Your committee also beg leave to add, that during their consideration of this matter, information was given to them, supported by sundry affidavits, from which it appears probable that during the winter 1777, and the spring 1778, when the army was in the suffering state before mentioned, sundry brigades of wagons in the public service were sent to New-Windsor, Newburg, Hartford, and Boston, with flour and iron on private accounts, and brought back private property; that it also appears probable from said affidavits, that the said flour and iron had been taken as for public use at the regulated prices then fixed by law; and that the wagons during such transportation, were subsisted at the different posts on the public forage; that col. Robert Lettis Hooper, then and now deputy quarter-master-general, appears to have been the principal director of the said wagons at that time:

Your committee, therefore, under all these circumstances of the case, report, that if the said resolution of the 11th of June is to be carried into exe-



FRIDAY, *January 22, 1779.*

A letter, of the 15th, from col. Lambert Cadwallader, of the Pennsylvania forces, to the board of war, was laid before Congress, and read, requesting leave to resign his commission :

*Resolved*, That his resignation be accepted.

The committee, consisting of Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, Mr. Laurens, to whom was referred a letter of 19th December last, from major-general Lincoln, brought in a report ; Whereupon,

*Resolved*, That letters be despatched to their excellencies the governors of Virginia and North-Carolina, earnestly requesting them to press forward the relief formerly recommended by Congress to be sent from those states to South-Carolina and Georgia, and such further assistance as may be requested by the commanding officer in the southern department, and that particular attention be paid to the arming them in the best manner and retaining them as long as the service shall render it necessary ; and that the governor of Virginia be requested to send forward to South-Carolina such part of the regiment of artillery raised by the state of Virginia as may be spared on that service.

In debating the foregoing resolution, a motion was made to amend it as far as it respects North-Carolina, in manner following :

“ That the president write to the governor of North-Carolina, requesting him to lay before the general assembly of that state, the earnest desire of Congress that they send such aid of militia to the assistance of South-Carolina or Georgia, as the commanding officer in the southern department shall request.”

An amendment on the amendment was moved as follows :

“ And that the state of North-Carolina be requested to grant such further assistance as may be requested by the commanding officer in the southern department.”

On this the yeas and nays being required by Mr. Burke,

<i>New-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Delaware</i> ,	Mr. M'Kean,	no	}	no
Frost,	no			<i>Maryland</i> ,	Mr. Paca,	no		
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no	}	no	<i>Virginia</i> ,	Henry,	no	}	no
<i>Rhode-Island</i> , Mr. Collins,	no				Mr. T. Adams,	no		
<i>Connecticut</i> , Mr. Dyer,	ay	}	div.		F. L. Lee,	no	}	no
Root,	no				M. Smith,	no		
<i>New-York</i> , Mr. Jay,	no	}	no	<i>North-Carolina</i> ,	Mr. Penn,	ay	}	ay
Duane,	ay				Hill,	ay		
Floyd,	no				Burke,	ay		
<i>Pennsylvania</i> , Mr. Roberdeau,	no	}	no	<i>South-Carolina</i> ,	Mr. Laurens,	no	}	no
Searle,	no				Drayton,	no		
Clingan,	no				Hutson,	no		
Shippen,	no			<i>Georgia</i> ,	Mr. Langworthy,	no		

So it passed in the negative.

Question put on the amendment : passed in the negative.

Congress took into consideration the report of the committee, consisting of Mr. Duane, Mr. Smith, Mr. S. Adams, to whom was referred a letter from the hon. sieur Gerard to the marine committee, and thereupon passed an order, that the committee wait on the sieur Gerard and confer with him on the subject of supplies requested by him, and give him a candid representation of the condition of our resources for flour, bread, &c. from the best information we have been able to collect, and report what ought and may be done in respect to the supplies asked.

SATURDAY, *January 23, 1779.*

Mr. Frelinghausen, a delegate from New-Jersey, attended.

surgeons-general and other officers under his superintendence, to attend and perform such duties at any post or place, as a change of the position of the army, or other circumstances, may, from time to time, make necessary, and shall be required by the commander in chief, notwithstanding such deputy director, physician, or surgeon is, by the general arrangement of the hospitals, attached to a particular department; and that in case of any dispute concerning their seniority or precedence, the director-general shall determine the same in the first instance, the party supposing himself aggrieved being at liberty to appeal for redress to the medical committee.

*Resolved*, That the director-general be authorized and instructed to supply, for the use of the regimental surgeons, such medicines and refreshments as may be proper for the relief of the sick and wounded before their removal to a general hospital, and to be dispensed under the care and at the discretion of the physician and surgeon-general of the army.

*Resolved*, That an additional auditor of accounts be appointed in the grand army.

#### MONDAY, *January 25, 1779.*

The committee on the treasury brought in a report: Whereupon,

*Resolved*, That all accounts due for back rations of the army to the last day of December, 1776, inclusive, be exhibited to the auditors of the army for settlement, before the 1st day of June next, or not afterwards allowed.

#### TUESDAY, *January 26, 1779.*

Mr. M. Smith laid before Congress sundry papers, which he informed the house contained matters of public information, and which the delegates of Virginia were instructed to lay before Congress: the papers being read, are

1st. An account, headed "sums advanced for the state of Virginia, by the hon. Arthur Lee, esq. dated the 3d of September 1778," and undersigned "a true copy, H. Ford, secretary;" on which is endorsed as follows, "the delegates from the state of Virginia are instructed to lay this paper before Congress, with a view to inform them that Hezekiah Ford, who signs it as secretary to the hon. Arthur Lee, hath been and is considered by the governor and council of this state as an enemy to the American cause of independence, and by no means a fit subject to be near the person of an American commissioner in Europe, or entrusted with any of the secrets of the United States or of their allies. January the 25th, 1779."

*Ordered*, That the committee of foreign affairs communicate to the hon. Mr. A. Lee, by the first opportunity, the purport of the above endorsement, that he may be acquainted with the character of Mr. Ford.

Second paper. A resolution of the general assembly of Virginia, dated December the 18th, 1778, "for the more effectually enabling Congress to comply with the promise of a bounty in lands to the officers and soldiers of the army on continental establishment."

3d. A resolution of the general assembly of Virginia, directing the governor to give Congress information respecting the state of the treasury of that state.

*Ordered*, That this be referred to the board of treasury.

#### WEDNESDAY, *January 27, 1779.*

*Resolved*, That a commission of lieutenant in the service of the United States, be granted to the marquis de Britigny, and that he be recommended to the particular notice of general Washington.

A letter, of this day, from gen. Washington, was read, enclosing a letter from capt. Stoddard, requesting leave of absence to go to France for the recovery of his health:

cution, the same should be done by a court of enquiry and court-martial in the usual manner; and that gen. Washington be directed to proceed accordingly, the parties concerned having reasonable notice. Your committee also present to the house the affidavits they have taken and the minutes of their proceedings, to be disposed of as Congress think proper:" Whereupon,

*Resolved*, That Congress agree to the said report.

*Ordered*, That a copy thereof, together with the affidavits, &c. therein mentioned, be transmitted to the commander in chief.

Congress took into consideration the letter from count Mountfort, major in count Pulaski's legion, desiring leave to resign his commission, in order to return home, on account of his private affairs: Whereupon,

*Resolved*, That his resignation be accepted, and that he be allowed his usual rations for the space of two months, provided he shall not embark before the expiration of that time.

Congress took into consideration the report of a committee, consisting of Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, Mr. Laurens, appointed to confer with the commander in chief: Whereupon,

*Resolved*, That the commander in chief be authorized and directed to take the most effectual measures, to re-inlist for the continuance of the war, all such of the continental troops as are not expressly engaged for that period, as well as for raising new recruits in the United States, to complete the battalions to their proper complement; and for those purposes, besides the bounties of clothing, and at the expiration of the war, of money and land heretofore provided by Congress, for encouraging the recruiting service, to grant to each able bodied soldier now in the service, and who shall voluntarily re-inlist during the war, a bounty according to the circumstances of his present engagement, but not to exceed in any case 200 dollars; and to each new raised recruit who shall inlist in any of the continental battalions during the war, such a bounty as the commander in chief shall judge proper, but not to exceed 200 dollars.

*Resolved*, That there be allowed to the officers to be appointed to re-inlist during the war such of the soldiers as are not engaged for that period, and to the officers to be appointed to recruit the new levies in the country respectively, such reward as the commander in chief shall think fit, in the first case not to exceed 10 dollars, nor in the last 20 dollars for each able bodied man who shall pass muster, with three dollars per day for his expenses whilst in the recruiting service.

*Resolved*, That the commander in chief be directed to superintend and direct the military operations in all the departments in these states, subject to the regulations and orders of Congress, from time to time, which are to be transmitted to the commander in chief, and by him to the departments for which they shall be calculated, except in cases of evident necessity, when they may be sent directly to the commanding officer of the department, advising the commander in chief thereof.

*Resolved*, That the commissary of prisoners reside at the head-quarters of the army; that he shall make no exchange of prisoners but such as shall be directed by Congress, the board of war, or commander in chief, or with respect to marine prisoners, by the marine committee:

That all future instructions respecting his department, shall be transmitted to him through the commander in chief:

That whenever the commissary shall think it necessary to send a flag into the enemy's lines with provisions for the prisoners or on any other business, he shall make application to the commander in chief, who will judge of the cause and propriety in point of time and other circumstances.

*Resolved*, That the director-general of the medical department be authorized and instructed to enjoin the several deputy directors, physicians, and

**Resolved,** That the commander in chief be directed to require of sir Henry Clinton, or officer commanding the British troops, the same degree of justice with respect to the British officers, prisoners to these United States, who have broken their parole, which this Congress have directed to be done on their part by the preceding resolution.

SATURDAY, *January 30, 1779.*

A letter, of the 29th, from gen. Washington, was read, with an extract of a letter from gov. Clinton enclosed, representing, that after the loss of the forts in the Highlands, a part of the army was detached on the west side of the river, which, joined by a part of the militia, were under his command; that the river being the bounds between the different purchasing commissaries, none could be found to supply the troops; in consequence whereof he was reduced to the necessity of taking from the inhabitants the necessary supplies of flour and cattle, which were delivered to the issuing commissaries, who passed their receipts to the owners; that similar measures were taken by the quarter-masters to obtain forage; that different applications have been made to have these accounts settled and paid, but without effect: Whereupon,

**Resolved,** That the quarter-master and commissary-general be authorized and directed to pay such of the said accounts as are certified by gov. Clinton.

The committee on the treasury, to whom was re-committed their report of the 22d, brought in another report; Whereupon,

**Resolved,** That all accounts for back rations of the army to the last day of December, 1776, inclusive, be exhibited to the auditors of the army for settlement, by the 1st day of June next, or not afterwards allowed:

That such accounts due to any officers or soldiers in the regiments or corps now in service, be collected in the following form:

*Account of rations due to officers and soldiers of the regiment or corps commanded by*

To whom due.	From what time.	To what time.	Days.	Number of rations.	Price of ra- tions.	Casualties.	Whole amount.
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and that in the column of casualties the names of all absentees, except those on command or furlough, be inserted:

That the accounts formed into such abstracts be attested before the commanding officer of the brigade, and that warrants issue for the amount of them in favor of the pay-masters of the respective regiments, and that they pay out the moneys received thereon.

**Resolved,** That three commissioners be appointed to examine with the treasurer of loans, and destroy the bills of credit of these United States of the emissions of May 20, 1777, and April 11, 1778, under the direction of the board of treasury.

MONDAY, *February 1, 1779.*

A letter, of the 30th of January, from gen. Washington, was read, respecting the supplies of the troops on the western frontiers; Whereupon,

**Resolved,** That the commander in chief give such directions as he may think proper for arranging the commissary's and quarter-master's departments to the westward, any resolutions of Congress notwithstanding; and that for his information the secretary be directed to lay before him the several letters on that subject from col. G. Morgan to Congress; and that the board of war communicate to him all necessary intelligence that may have come to them respecting the same subject.

A letter, of the 29th, from the president of Pennsylvania in council, with sundry papers enclosed, was read, representing, that major Clarkson, aide-camp to major-general Arnold, has refused to obey the summons of the said president and the executive council of Pennsylvania, to attend the said

*Ordered*, That a furlough be granted to capt. Stoddard for the purpose mentioned in his letter.

The first resolution passed the 23d, on the report of the committee appointed to confer with the commander in chief, being re-considered, and sundry amendments moved thereto :

*Ordered*, That the said resolution, together with the amendments, be re-committed.

*Ordered*, That the president furnish the marquis de Britigny with the commission granted to him, and expedite as soon as possible the despatches to count d'Estaing, giving the marquis such letters of credence and instructions as the president shall judge proper, consistent with the views of Congress as expressed in their resolutions of the 22d :

That the captain of the vessel in which the marquis may embark, receive such orders as shall be agreed on by the president of Congress and chairman of the marine committee.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That the council employed to prosecute Cornelius Sweers, be authorized to deliver to him such of his private papers as do not relate to the complaint against him, and copies of all such other papers as his council may judge necessary for his defence.

#### THURSDAY, January 29, 1779.

The committee, consisting of Mr. Drayton, Mr. Ellery, Mr. M. Smith and Mr. Henry, to whom was referred a memorial from baron de Thulier, brought in a report ; which, together with a report from the board of war respecting Mons. Mauleon, was taken into consideration ; Whereupon,

*Resolved*, That the president be desired to write letters to the baron de Thulier and Mons de Mauleon, thanking them for the offer of their services to the United States, and informing them that as the situation of affairs do not admit of their being employed in the public service in stations suitable to their merit, Congress cannot have the pleasure of accepting the offers of their service :

And as these gentlemen have been long in attending the decision of Congress upon their applications, and have thereby sustained a heavy expense, and will also sustain an additional expense in their return to Europe :

*Resolved*, That 1500 dollars be granted to each of them, to enable them to return to Europe.

The committee appointed to confer with the commander in chief, to whom was referred a letter of the 19th, with sundry papers enclosed, from the commissary of prisoners, brought in a report ; Whereupon, Congress came to the following resolutions :

Whereas it has been represented in behalf of sir Henry Clinton, commanding the British troops in New-York, that some officers of the army of these United States have withdrawn themselves from captivity contrary to their paroles ; and such a breach of public honor and private faith being in every view reprehensible and injurious :

*Resolved*, That the commander in chief be directed to make strict enquiry into the truth of the said allegation, and if it shall appear to be well founded, to take the necessary measures for causing every officer who shall have escaped from captivity in violation of his parole, to be returned within the enemy's lines, or to order the commissary of prisoners to account in his exchange for all such officers, in such manner as is agreeable to the practice and to the principles which have heretofore regulated exchanges between the two armies, and to report the names of such officers to the board of war :

And it being further represented to Congress by the commissary of prisoners, that divers British officers, prisoners to these states, have violated their paroles :



**Resolved,** That the commander in chief be directed to require of sir Henry Clinton, or officer commanding the British troops, the same degree of justice with respect to the British officers, prisoners to these United States, who have broken their parole, which this Congress have directed to be done on their part by the preceding resolution.

SATURDAY, *January 30, 1779.*

A letter, of the 29th, from gen. Washington, was read, with an extract of a letter from gov. Clinton enclosed, representing, that after the loss of the forts in the Highlands, a part of the army was detached on the west side of the river, which, joined by a part of the militia, were under his command; that the river being the bounds between the different purchasing commissaries, none could be found to supply the troops; in consequence whereof he was reduced to the necessity of taking from the inhabitants the necessary supplies of flour and cattle, which were delivered to the issuing commissaries, who passed their receipts to the owners; that similar measures were taken by the quarter-masters to obtain forage; that different applications have been made to have these accounts settled and paid, but without effect: Whereupon,

**Resolved,** That the quarter-master and commissary-general be authorized and directed to pay such of the said accounts as are certified by gov. Clinton.

The committee on the treasury, to whom was re-committed their report of the 22d, brought in another report; Whereupon,

**Resolved,** That all accounts for back rations of the army to the last day of December, 1776, inclusive, be exhibited to the auditors of the army for settlement, by the 1st day of June next, or not afterwards allowed:

That such accounts due to any officers or soldiers in the regiments or corps now in service, be collected in the following form:

*Account of rations due to officers and soldiers of the regiment or corps commanded by*

To whom due.	From what time.	To what time.	Days.	Number of rations.	Price of ra- tions.	Casualties.	Whole amount.
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and that in the column of casualties the names of all absentees, except those on command or furlough, be inserted:

That the accounts formed into such abstracts be attested before the commanding officer of the brigade, and that warrants issue for the amount of them in favor of the pay-masters of the respective regiments, and that they pay out the moneys received thereon.

**Resolved,** That three commissioners be appointed to examine with the treasurer of loans, and destroy the bills of credit of these United States of the emissions of May 20, 1777, and April 11, 1778, under the direction of the board of treasury.

MONDAY, *February 1, 1779.*

A letter, of the 30th of January, from gen. Washington, was read, respecting the supplies of the troops on the western frontiers; Whereupon,

**Resolved,** That the commander in chief give such directions as he may think proper for arranging the commissary's and quarter-master's departments to the westward, any resolutions of Congress notwithstanding; and that for his information the secretary be directed to lay before him the several letters on that subject from col. G. Morgan to Congress; and that the board of war communicate to him all necessary intelligence that may have come to them respecting the same subject.

A letter, of the 29th, from the president of Pennsylvania in council, with sundry papers enclosed, was read, representing, that major Clarkson, aide-camp to major-general Arnold, has refused to obey the summons of the said president and the executive council of Pennsylvania, to attend the said



council on a complaint against him for granting a recommendation to Miss Levy, to go into New-York, contrary to a resolution of Congress of the 21st of August, 1778, and representing further, that the said refusal was conceived in very indecent and disrespectful terms :

On motion that the same be committed : the yeas and nays being required by Mr. Roberdeau,

<i>N.-Hampshire,</i> Mr. Whipple,	no	} no	<i>Delaware,</i>	Mr. M'Kean,	no	} no
<i>Mass'tts-Bay,</i> Mr. Gerry,	ay	} no	<i>Maryland,</i>	Mr. Paca,	no	} no
	Lovell,			Carmichael,	ay	
	Holten,			Henry,	no	
<i>Rhode-Island,</i> Mr. Ellery,	ay	} dir.	<i>Virginia,</i>	Mr. T. Adams,	no	} no
	Collins,			F. L. Lee,	no	
<i>Connecticut,</i> Mr. Dyer,	no	} no	<i>N.-Carolina,</i>	Griffin,	ay	
	Ellsworth,			Mr. Hill,	no	} no
	Root,			Burke,	no	
<i>New-York,</i> Mr. Jay,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	} no
	Lewis,			Drayton,	no	
	Floyd,			Hutson,	no	
<i>New-Jersey,</i> Mr. Fell,	no	} no	<i>Georgia,</i>	Mr. Langworthy,	no	} no
	Frelinghausen,					
<i>Pennsylvania,</i> Mr. Roberdeau,	no	} no				
	Clingan,					
	Searle,					
	Atlee,					
	Shippen,					

**Ordered,** That major Clarkson, aid-de-camp to major-general Arnold, do not leave the city until the further order of Congress.

#### TUESDAY, February 2, 1779.

The committee, consisting of Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, Mr. Drayton, and Mr. Hutson, appointed to confer with the commander in chief respecting the aid necessary to be sent to South-Carolina and Georgia, brought in a report ; Whereupon,

**Resolved,** That count Pulaski be ordered to march with his legion to South-Carolina, and put himself under the command of major-gen. Lincoln, or the commanding officer of the southern department :

That the continental troops in North-Carolina, said to be on furlough, be immediately called in and ordered to march into South-Carolina, and follow the orders of the commanding officer as aforesaid :

That the governments of Virginia and North-Carolina be requested to afford all possible aid to South-Carolina and Georgia, of men, arms, and other necessary articles, at the continental expense :

That orders be immediately issued for transporting to South-Carolina, by the most safe and expeditious carriage, 128 barrels of gun-powder, and 12 chests of arms at Edenton, and 125 chests of arms at Baltimore ; all the property of the United States :

That col. de Cambray be ordered to repair to Baltimore and Edenton, and to expedite the transportation ; that, for this purpose, he be furnished with proper letters from the president of Congress to the governors of Maryland and North-Carolina :

That fixed ammunition of 4000 six pound, 4000 four pound, and 4000 grape iron shot, 80 barrels of musket powder, and 2000 weight of ball or lead, be transported from Philadelphia to South-Carolina by sea :

That the marine committee do provide and despatch a proper vessel, with the utmost expedition, on this service :

That the commander in chief be directed to order one or more engineers to repair immediately to South-Carolina, for the service of the southern department, if he shall judge it necessary.

A letter, of the 30th of January, from the board of war, was read, representing that the firm of the house in which Mr. Penet is engaged, is Messrs. Penet, Windel & Co. and that Mr. Couloux's name is not to appear in the agreement; Whereupon,

*Resolved*, That, instead of Messrs. Penet & Couloux, mentioned in the resolution of the 2d of January, the board of war be authorized to contract with r. Penet, for himself, Windel & Co. for a suitable number of muskets, with bayonets of a proper size, and other arms, to be manufactured in these states, agreeably to the proposals recited, previous to the resolution above mentioned.

A report being received from the committee, consisting of Mr. Burke, Mr. Paca, Mr. Dyer, Mr. Root, Mr. M. Smith, to whom was referred the report of the committee on appeals, of January 19th, 1779:

The sense of the house was required, whether it be in order that reports, when received, be read: on the question, resolved in the affirmative.

The report was then read:

*Ordered*, That the consideration thereof be postponed to Thursday next, and that Congress then be resolved into a committee of the whole, to consider the same.

### WEDNESDAY, February 3, 1779.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That 5,000,160 dollars in bills of credit, be emitted under the direction of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 14th of December last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

22,728 bills of 60 dollars each,	1,363,680	22,728 bills of 8 dollars each,	181,824
22,728 do. 50	1,136,400	22,728 do. 7	159,096
22,728 do. 40	909,120	22,728 do. 5	113,640
22,728 do. 30	681,840		
22,728 do. 20	454,560		<u>5,000,160</u>

Congress was resolved into a committee of the whole, to consider a report of the board of treasury of the 23d of January; and, after some time spent thereon, the president resumed the chair, and Mr. F. L. Lec reported, that the committee had come to a resolution thereon, which he was ready to report:

*Ordered*, That the same be now received.

The report was read, and is as follows:

*Resolved*, That 20,000,000 of dollars be borrowed on the faith of the United States, at an annual interest of six per cent. and that loan-office certificates for the same, of such denominations as the board of treasury shall think proper, be forthwith struck and sent to the continental loan-offices, under the direction of the board of treasury:

On the question to agree to the said report, the yeas and nays being required by Mr. Burke,

New-Hampshire, Mr. Whipple,	ay	ay	New-York, Mr. Jay,	ay	
Mass'-ette-Bay, Mr. Gerry,	ay		Duane,	ay	
Lovell,	ay	ay	Lewis,	ay	ay
Holten,	ay		Floyd,	ay	
Rhode-Island, Mr. Ellery,	ay	ay	New-Jersey, Mr. Fell,	ay	ay
Collins,	ay		Frelinghausen,	ay	
Connecticut, Mr. Dyer,	ay				
Ellsworth,	ay	ay			
Root,	ay				

<i>Pennsylvania,</i>	Mr. Roberdeau,	ay	} ay	<i>Virginia,</i>	Mr. T. Adams,	ay	} no
	Clingan,	ay			F. L. Lee,	n	
	Shippen,	ay			Griffin,	no	
	Atlee,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	} no
	Searle,	ay			Burke,	no	
<i>Delaware,</i>	Mr. McKean,	ay	} ay	<i>S.-Carolina,</i>	Mr. Drayton,	ay	} ay
					Hutson,	ay	

So it was resolved in the affirmative.

#### THURSDAY, *February 4, 1779.*

A letter, of the 3d, from colonel Armand, was read; whereupon, the report of the committee appointed to confer with the commander in chief was read: and, thereupon,

*Resolved*, That the commander in chief be directed to give the necessary orders for recruiting the corps commanded by general count Pulaski and colonel Armand respectively, to their full complement of infantry, to be enlisted for the war, and to receive the continental bounties granted to the rest of the infantry.

*Resolved*, That the commander in chief be directed to proceed in such manner as he shall judge expedient, to complete the arrangement of the army, and to settle the relative rank of officers under the degree of brigadier, agreeably to the principles established by an act of Congress of the 24th day of November, 1778; and that the board of war furnish him with copies of the proceedings of the late committee of arrangement.

A letter, of the 22d of December, 1778, from the marquis de la Fayette, at Boston, in favor of Mons. de Noirmont de la Neuville, and also a petition from major Noirmont de la Neuville, praying to be favored with the brevet commission of lieutenant-colonel, were read:

On the the question, *Resolved*, That the rank prayed for by major Noirmont be not granted.

Congress took into consideration the letter of the 3d, from colonel Armand, soliciting the rank of brigadier-general by brevet:

On the question put, *Resolved*, That the rank solicited by colonel Armand be not granted.

*Ordered*, That Mr. Laurens have leave of absence.

#### FRIDAY, *February 5, 1779.*

A letter, from colonel Armand was read, begging leave to return to France; Whereupon,

*Resolved*, That Congress have a high sense of the disinterested zeal and services of colonel Armand, marquis de Rouerie, but are restrained from manifesting their good opinion of him by further promotion, as the same would be incompatible with the arrangement of the American army; and that on his own request he have leave to return to France: that upon his departure the president grant him such certificate, as the recommendations or certificates he may have received from the commander in chief or other general officers under whom he hath served, may entitle him to.

A letter, of January 1st, from the marquis de la Fayette, was read, recommending Mr. Houden, a French officer, second-lieutenant in colonel Bigelow's regiment; Whereupon,

*Resolved*, That Mr. Houden be informed that he will receive promotion according to the rules established in the army of the United States.

#### MONDAY, *February 8, 1779.*

The committee consisting of Mr. Ellery, Mr. Paca, Mr. Laurens, Mr. Dyer, Mr. Floyd, to whom was referred a representation of the delegates of Rhode-Island, brought in a report; Whereupon, Congress came to the following resolution:

Whereas the delegates of the state of Rhode-Island and Providence Plantations, in pursuance of an express vote of the general assembly of the said state, have represented to Congress that many of its inhabitants, especially those who have come off from the island of Rhode-Island, must inevitably perish unless they are speedily supplied with the necessaries of life, and have in the strongest terms requested us to recommend to the states of Connecticut and New-York, to repeal their acts laying an embargo on provisions, so far as respects supplying the said inhabitants with provisions by land:

*Resolved*, That the president write to the governors of the states of Connecticut and New-York, requesting them to afford such supplies of flour and other provisions for the distressed inhabitants of the state of Rhode-Island and Providence Plantations as their necessities call for, so far as circumstances will admit, and under such regulations as may best answer the end proposed.

TUESDAY, *February 9*, 1779.

The committee on the treasury brought in a report; Whereupon,

*Resolved* That there be hereafter five auditors for the army, whilst the circumstances of the war shall render it necessary: that the board of treasury have power to order the said auditors respectively to repair to and settle accounts in the main army or any detachment, and to give the auditors proper instructions for conducting this business, agreeable to the institution of the office and direction of the board.

Congress proceeded to the election of an auditor; and, the ballots being taken, Mr. William Bedlow was elected.

Congress took into consideration the report of the committee, consisting of Mr. Lovell, Mr. Searle, Mr. Root, to whom was referred a letter of 7th of January, from Joan Guarcia Duarti, &c. and, thereupon,

*Resolved*, That the board of war of the state of Massachusetts-Bay, be authorized and requested to pay the nett proceeds of the sales of the snow "Our Lady of Mount Carmel and St. Antonio" and her cargo, and also to deliver what unsold effects they still have in charge belonging to the same concern to the owner or owners of the said snow and cargo, his or their order, or certain attorney.

*Resolved*, That the said board be requested to inform such owner or attorney, that remedy may be had at law against the captors or their owners, for any special damages arising from the capture of the said snow.

The committee consisting of Mr. M. Smith, Mr. Ellery, Mr. Ellsworth, Mr. Paca, and Mr. T. Adams, to whom was referred the information given to Congress by the hon. Mr. Laurens, dated the 11th and 16th of January, 1779, and that received from the hon. Mr. Lewis, dated January 15th, 1779, respecting the conduct of Robert Morris, esq. in transacting the commercial business of these United States, particularly relating to the ship Farmer, captain Dashiell, loaded at Baltimore, and captured by the enemy, brought in a report, which was read.

WEDNESDAY, *February 10*, 1779.

A letter, of the 9th, from Jonathan Brewer, captain-lieutenant in colonel Proctor's regiment of artillery, was read, praying for leave to resign his commission:

*Resolved*, That captain-lieutenant J. Brewer have leave to resign, and that his resignation be accepted.

A letter, of the 9th, from Mons. Noirmont de la Neuville, was read praying to have leave to return to France, and that the certificate of brigadier Parsons in his favor, which he delivered to the board of war to be annexed to their report, may be returned to him:

*Resolved*, That Mons. Noirmont de la Neuville have leave to return to France, and that the certificate of brigadier Parsons, mentioned in his letter, be returned to him.

A letter, of January 28th, from Robert Morris, was read, requesting, as insinuations have been thrown out against him, in this house, respecting the books of the secret committee, that a special committee may be appointed to examine the entries and settlements made by him in those books, to examine into the expenditure of public money entrusted to him, and to the late house of Willing, Morris & Co. and to examine into the state of their and his present unsettled dependencies with the United States; and that the said committee be directed to report to the house specially on the premises, in order that his conduct may be truly understood in Congress, and from thence be made known to the public by the best authority.

Mr. Plater, a delegate from the state of Maryland, attended, and took his seat in Congress.

#### THURSDAY, *February* 11, 1779.

A letter, of January 16th, from J. Powel, president of the council of Massachusetts-Bay, was read, with sundry papers enclosed: Whereupon,

*Resolved*, That the said letter, and papers enclosed, be transmitted to the commander in chief, and that he be directed to give orders for bringing to courts-martial the several persons accused of misdemeanors in the report therein referred to.

Mr. Laurens having yesterday, after reading the report from the committee and other papers referred to, informed Congress in his place, that from a part of Mr. Morris's vindication, he recollected a circumstance which had come to his knowledge since this subject had been in agitation in Congress, which might more fully clear up Mr. Morris's conduct; and that as his sole view had been to do justice, it would give him the highest pleasure to be an instrument in doing justice to Mr. Morris, and promised to explain himself this morning; accordingly he produced a paper, containing an extract of a letter from the secret or commercial committee, dated October 25th, 1776, containing advice to Thomas Morris, commercial agent at Nantz, of their having chartered a new ship at Baltimore, which Mr. Laurens said he was persuaded and has no doubt, was the ship Farmer; that his recollection sprung from hearing the words, new ship, read in Mr. Morris's vindication; that it afforded him the greatest satisfaction to have it in his power to produce an evidence, which, in his opinion, put it beyond all doubt, that the ship Farmer, captain Dashiell, had been loaded on public account, and moved the house to receive the said extract, and to add it to the other papers which were delivered in by the committee and read yesterday: the said extract was accordingly received and added to the other papers.

The report was then resumed and read, as follows:

The committee to whom was referred the information given to Congress by the hon. Mr. Laurens, dated the 11th and 16th of January, 1779, and that received from the hon. Mr. Lewis, dated the 15th of January, 1779, respecting the conduct of Robert Morris, esq. in transacting the commercial business of these United States, particularly relating to the ship Farmer, capt. Dashiell, loaded at Baltimore and captured by the enemy, report,

"That your committee having notified their appointment to the said Robert Morris, and furnished him with copies of the above written informations, and having requested his attendance, met according to order, and received his defence in writing, dated January 22d, 1779, to which your committee beg leave to refer, as well as to the vouchers referred to by the said Robert Morris, in his said defence:

That it appears to your committee that the said Robert Morris, was a



member of the secret committee, and from the minutes of the said committee of the 15th of August and 20th of September, extracts of which are herewith delivered, and from the testimony of J. Brown, then clerk of the said committee, it appears that the said secret committee, from the confidence in the integrity of the said Robert Morris, from a knowledge of his commercial abilities, and from a conviction of his extensive commercial connexions both abroad and in America, would enable him to execute with facility the continental commercial affairs, requested the said Robert Morris, and authorized him to purchase up produce in the different states on continental account, and to export the same, and entrusted him solely with the transactions of this business :

That it appears to your committee, from the testimony of the said J. Brown, that when the said Robert Morris was entrusted and authorized as aforesaid, it was known and understood by the said secret committee, that his purchases, aforesaid, were to be made under cover of the firm of Willing, Morris & Co. and exported under the like cover, as circumstances should direct, and that this mode was adopted to prevent the rising of the price of produce and hire of vessels, which generally happens when it is known that purchases and contracts are making on the public account :

That it appears to your committee, from the testimony of John Brown, Peter Whiteside, and Benjamin Hogeland, (whose depositions are herewith delivered) that the ship Farmer was chartered on the continental account, though under the firm of Willing, Morris & Co. and that her load of iron and tobacco, except 50 hogsheads, was purchased and shipped also on continental account ; and that the said ship being thus chartered, and the said load of iron and tobacco so purchased, and shipped, were facts well known to the said John Brown, Peter Whiteside, and Benjamin Hogeland ; the said John Brown being the said Robert Morris's agent in the transaction, and the said Peter Whiteside and Benjamin Hogeland, being clerks of Willing, Morris & Co.

That it appears from the testimony of John Brown, then clerk of the said secret committee, that the charter-party of the said ship Farmer, was lodged in the office before the said committee removed to Baltimore, and therefore known to the said committee before the loading or sailing of the said ship :

That it appears to your committee, that the chartering of the said ship under the firm of Willing, Morris & Co. the filling up the bills of lading, forming the special contract as endorsed on one of them, and drawing the instrument of valuation in the manner and terms as the said several instruments of writing are exprest, were merely precautions calculated to give the whole transaction the colour of a private commercial concern, correspondent to the plan adopted by the said Robert Morris, declared and made known to the said secret committee, and founded on the reasons above suggested :

That your committee are farther confirmed in this idea, from observing that the like measures were taken in the chartering and loading the ship Aurora, and from its being proved to your committee, by the testimony of the said Benjamin Hogeland, the said Robert Morris's clerk, that the said Willing, Morris & Co. did not charter or load any chartered ship for their own account and risque during the time the said Robert Morris was entrusted and authorized as aforesaid :

That it appears to your committee, that the said Robert Morris's defence in writing is full and explicit on every fact, circumstance and question stated in the information of the hon. Mr. Laurens and Mr. Lewis, and is supported by clear and satisfactory vouchers ; and your committee beg leave to refer to the said written defence, particularly as to such facts, circumstances or questions aforesaid, as your committee have not specially reported.

Upon the whole, your committee are of opinion, that the said Robert Mor-



ris has clearly and fully vindicated himself; and your committee are further of opinion, that the said Robert Morris in the execution of the powers committed to him by the said secret committee, so far as his conduct has come to the knowledge of your committee, has acted with fidelity and integrity, and an honorable zeal for the happiness of his country."

Congress taking into consideration the said report, and the papers accompanying and referred to in the same:

*Resolved unanimously*, That Congress agree to the said report:

*Ordered*, That the letter of January the 29th, from Mr. Robert Morris, be referred to the committee who brought in the foregoing report.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That the accounts of the regimental pay-masters be settled at least once a quarter, and rendered agreeably to such forms as shall be approved by the board of treasury.

*Resolved*, That a secretary of the treasury be appointed, with the salary of 2000 dollars per annum.

#### SATURDAY, *February* 13, 1779.

*Resolved*, That the president inform the minister plenipotentiary of his most Christian majesty, that Congress will take the subject of his memorials of the 9th inst. into immediate consideration, and that if he wishes to communicate any thing farther to them, Congress will receive the same from him in a private audience.

*Resolved*, That all private audiences given to foreign ministers, be held in a committee of the whole house.

A letter, of this day, from col. Hartley, was read, desiring leave to resign his commission; Whereupon,

*Resolved*, That the reasons offered by col. Hartley for resigning his commission are satisfactory, and therefore that his resignation be accepted.

*Resolved*, That Congress have a high sense of colonel Hartley's merit and services.

A report from the board of war was read; Whereupon,

*Resolved*, That a warrant for 94,000 dollars be drawn on the treasurer of the United States, in favor of the pay-master of the board of war and ordnance, to be paid, from time to time, by order from that board, to col. Armand, for the purpose of recruiting his corps, which shall not exceed the complement of a regiment, he to be accountable for the sums he shall so receive:

That brigadier-general Pulaski be authorized, as casualties happen, to recruit men to keep up the infantry in his corps to its original establishment, and that a warrant for 50,000 dollars be drawn in favor of the pay-master of the board of war, to be paid to brigadier-general Pulaski, or his order, from time to time, for the purpose before mentioned, and to re-inlist during the war the men of his corps, whose times are about expiring, he to be accountable for the sums he shall, from time to time, receive.

*Resolved*, That all the men, inhabitants of these states, who shall be recruited in the corps of gen. Pulaski, and colonel Armand, in any of the United States, shall be credited to the quota of the state in which they shall be inlisted, they not being inhabitants of any other of the United States.

*Resolved*, That brigadier general Pulaski and col. Armand, make returns to the board of war of the recruits they shall inlist; and in such returns the places of nativity and settlement, and the state wherein they were inlisted shall be particularly mentioned; and the board are hereby directed to transmit to the respective states, the names and numbers of such persons, inhabitants thereof, as shall be so inlisted.

The board of war to whom was referred the letter of February 3d, from Mons. Gerard de St. Elms, having reported specially thereon, Congress took

into consideration the said report; and, thereupon, came to the following resolution :

That Mons. Gerard de St. Elms, having manifested great zeal, and encountered many difficulties to distinguish himself in the service of these states; having also made a campaign here, and behaved with bravery, and being now about to return to France :

*Resolved*, That he be appointed to the rank of major by brevet, as a testimony of the approbation of Congress of his zeal and services.

MONDAY, *February* 15, 1779.

The president acquainted the house that, pursuant to their order, he had informed the minister of France, that Congress will take his memorials of the 9th into immediate consideration; and that if he wishes to communicate any thing farther to them, Congress will receive the same in a private audience. That the minister wished to make farther communication to Congress, and would attend the house at twelve o'clock this day.

The minister plenipotentiary of France attending agreeably to his appointment, Congress was resolved into a committee of the whole; after the minister had withdrawn, the president resumed the chair, and Mr. F. L. Lee reported, that the minister has had a private audience and free conference with the committee; that the committee have come to no resolutions thereon, and desire leave to sit again.

TUESDAY, *February* 16, 1779.

Mr. M'Kean, a delegate for Delaware, laid before Congress the following instrument, empowering the delegates of that state, or any of them, to ratify and sign the articles of confederation :

*"His excellency* Caesar Rodney, esq. president, captain-general and commander in chief of the Delaware state, to all to whom these presents shall come, greeting :

*"Know ye*, that among the records remaining in the rolls-office in the Delaware state, there is a certain instrument of writing, purporting to be an act of the general assembly of the said state, which said act is contained in the words and tenor here following, to wit,

*Anno millesimo septingentesimo septuagesimo nono.*

An act to authorize and empower the delegates of the Delaware state to subscribe and ratify the articles of confederation and perpetual union between the several states.

Whereas articles of confederation and perpetual union between the states New-Hampshire, Massachusetts-Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, signed in the general Congress of the said states by the honorable Henry Laurens, esq. their then president, have been laid before the legislature of this state, to be ratified by the same if approved: and, whereas, notwithstanding the terms of the articles of confederation and perpetual union are considered as in divers respects unequal and disadvantageous to this state, and the objections stated on the part of this state are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that the interest of particular states ought to be postponed to the general good of the union; and moreover, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the objectionable parts thereof :

Be it enacted by the general assembly of Delaware, and it is hereby enacted by the authority of the same, that the hon. John Dickinson, Nicholas Vandyke, and Thomas M'Kean, esqrs. delegates appointed to represent this state in Congress, or any one or more of them, be, and they hereby are au-

thorized, empowered, and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the several states aforesaid.

And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become obligatory on this state.

Signed by order of the house of assembly,

NICHOLAS VANDYKE, *Speaker*.

Signed by order of the council,

THOMAS COLLINS, *Speaker*.

Passed at Dover, February 1st, 1779.

All which, by the tenor of these presents, I have caused to be exemplified. In testimony whereof, the great seal of the Delaware state is hereunto affixed, at Dover, the sixth day of February, in the year of our Lord, one thousand seven hundred and seventy-nine, and in the third year of the independence of the United States of America.

CÆSAR RODNEY.

By his excellency's command,

JAMES BOOTH, *Secretary*."

*Resolved*, That the letter of the 8th and 12th, from major-general Arnold, with the papers enclosed, be referred to the committee to whom was referred the letter from his excellency Joseph Reed, president of the supreme executive council of Pennsylvania, respecting the conduct of major-gen. Arnold; and that the committee enquire into the ground of the charges against major-general Arnold, and report the result of their enquiry with all convenient despatch.

A motion was made, that major-general Arnold be suspended from all command in the army of the United States of America, during the time in which enquiry shall be made into his public conduct, and until a proper decision shall be made thereon; after debate, a motion was made, that the further consideration thereof be postponed.

On the question for postponing, the yeas and nays being required by Mr. Roberdeau,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Roberdeau,	no	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no		Clingan,	no	} no
Gerry,	ay	} ay	Shippen,	ay	
Holten,	ay		Atlee,	no	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	<i>Maryland</i> , Mr. Plater,	ay	} ay
Collins,	ay		Paca,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay	Carmichael,	ay	
Ellsworth,	no		Henry,	ay	
Root,	ay	} ay	<i>Virginia</i> , Mr. T. Adams,	ay	} ay
<i>New-York</i> , Mr. Jay,	ay		F. L. Lee,	ay	
Floyd,	ay		Smith,	ay	
Lewis,	ay		Griffin,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay	<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
Frelinghausen,	no		Burke,	ay	
Fell,	ay		<i>S.-Carolina</i> , Mr. Drayton,	ay	} ay
			Hutson,	ay	
			<i>Georgia</i> , Mr. Langworthy,	ay	} ay

So it was resolved in the affirmative.

THURSDAY, February 18, 1779.

Mr. T. Nelson, a delegate from Virginia, attended, and produced his credentials, which were read.

Congress took into consideration the reports of the committee, consisting of Mr. M. Smith, Mr. Ellery, Mr. Ellsworth, Mr. Paca, and Mr. T. Adams, appointed to confer with the commander in chief; and, thereupon, agreed to the following plan for the department of inspector-general:

*Resolved*, That there be an inspector-general to the armies of the United States, with the rank of major-general, who, in all future appointments, shall be taken from the line of major-generals:

That the duty of the inspector-general shall principally consist in forming a system of regulations, for the exercise of the troops, in the manual evolutions and manœuvres, for the service of guards and detachments, and for camp and garrison duty :

That the inspector-general, and his assistants, shall review the troops at such times and places, and receive such returns for that purpose, as the commander in chief, or commanding officer in a detachment, shall direct ; at which reviews, he or they shall inspect the number and condition of the men, their discipline and exercise, the state of their arms, accoutrements, and clothes ; observing what of these articles have been lost or spoiled since the last review, and, as nearly as possible, by what means ; reporting the same, with the deficiencies and neglects, to the commander in chief, or the commanding officer of a detachment, and to the board of war.

That all new manœuvres shall be introduced by the inspector-general, and all old ones performed according to the established principles, under his superintendency : but he shall not introduce or practice any regulations relative to the objects of his department, save such as are made and established in manner following : all regulations whatsoever to be finally approved and established by Congress. But the exigence of the service requiring it, temporary ones may, from time to time, be introduced by the inspector-general with the approbation of the commander in chief. These regulations to be communicated to the army through the adjutant-general, and to be transmitted to the board of war with all convenient despatch, that, being examined and reported by them to Congress, they may be rejected, altered, amended, or confirmed, as Congress shall deem proper :

That there be as many sub-inspectors as the commander in chief, or commanding officer in a detachment, shall, on consideration of the strength and situation of the army, from time to time, deem necessary, to be taken from the line of lieutenant-colonels, and to receive their instructions relative to the department from the inspector-general :

That there be one brigade-inspector to each brigade, who shall be one of the majors in the brigade ; and that the office of brigade-inspector shall in future be annexed to that of major of brigade. He shall accordingly keep a roster of the battalions of his brigade, regulate the details and take care of the formation and march of all guards, detachments, &c. from the brigade. He is to receive the general orders, and communicate them to the commanding officers of the brigade and regiments, and through the adjutants, to all the officers of the brigade. He is so far as concerns his brigade, to inspect the police of the camp, the discipline and order of the service. In time of action he is to assist in executing the necessary manœuvres of the brigade, according to the orders of the brigadier or officer commanding. He is to do no duty in the line :

That all the officers of the inspectorship having appointments in the line, shall retain their rights of command, succession, and promotion, in the same manner as if they had not assumed the office. But as the duties of this department are sufficient to employ their whole time, they are to suspend the exercise of their respective commands, except on particular occasions, when the commander in chief, or commanding officer in a detachment, may deem it necessary to invest them with command. They are to be exempted from all common camp and garrison duty, that they may attend the more carefully to those of the inspection ; and in time of action they are to be employed in assisting in the execution of the field manœuvres.

That the inspector-general, so far as relates to the inspector of the army, be subject to the orders of Congress, the board of war, and the commander in chief only : but the sub-inspectors shall also be subject to the officers commanding the divisions and brigades to which they are attached, on the principles herein established :

That there be allowed to the inspector-general, in consideration of the extraordinary expenses which attend the execution of his office, 84 dollars per month, in addition to the pay and rations of a major-general, heretofore provided.

Congress proceeded to consider the report of the committee appointed to confer with the commander in chief; and, thereupon, came to the following arrangement of the department of ordnance:

*Resolved*, That the commanding officer of artillery of the United States, for the time being, shall, under the general orders, and with the concurrence of the commander in chief, arrange and direct all business of the ordnance department necessary to be done in the field. The ordnance, arms, and military stores in the fixed magazines to be drawn out only by the orders of the board of war and ordnance; unless, in the course of the service, circumstances should occur, in which the procuring such orders from the board would, in the opinion of the commander in chief, and commanding officer of artillery, occasion improper delays; and, in such cases, the commanding officer of artillery shall have the power to draw from the nearest magazines the supplies wanted for the army: and the different commissaries and directors of the magazines and laboratories shall, in such cases, immediately obey the orders of the commanding officer of artillery, informing the board of war and ordnance of the same. And, that the commander in chief and commanding officer of artillery may know, in such cases, where to send for necessary supplies, the board of war and ordnance shall cause monthly returns of all ordnance, arms, and military stores at the magazines and arsenals of the United States, to be made to the commander in chief, who will communicate to the commanding officer of artillery the whole or any part of them, as he shall judge the good of the service requires. And as it may frequently happen, that parts of the army may be detached to such distances as to render their obtaining supplies, in the circumstances above mentioned, by the immediate orders of the commander in chief and commanding officer of artillery, inconvenient; in such cases, the commander in chief and commanding officer of artillery shall give to the commanding officers of the detachment, and of the artillery annexed to it, proper directions for furnishing the detachment with the necessary supplies of ordnance, arms, and military stores; and the orders of the said commanding officers of the detachment, and of the artillery annexed to it, given pursuant to the said directions, shall be obeyed by the commissaries and directors at the magazines and laboratories, as if given immediately by the commander in chief and commanding officer of artillery of the United States. Each commanding officer of artillery making these extraordinary draughts, shall immediately give information thereof, and of the occasion of them, to the board of war and ordnance.

2. That there shall be a field commissary of military stores, to be appointed by the board of war and ordnance, who shall receive and issue all ordnance, arms, and military stores, in the field, pursuant to the orders of the commander in chief and commanding officer of artillery; all orders for this purpose from the commander in chief, to be directed to the commanding officer of artillery. The field commissary shall have so many deputies, conductors and clerks, to be likewise appointed by the board of war and ordnance, as, in the opinion of the board, the commander in chief and commanding officer of artillery, the service shall, from time to time, require.

3. The commanding officer of artillery, with the concurrence of the commander in chief, shall, from time to time, lay before the board of war and ordnance proper estimates, (which are by the board to be transmitted to Congress) of all ordnance, arms, and military stores, necessary to be made and provided for the use of the army of the United States, that the necessary orders may be given concerning them.



4. That whenever the said commanding officer of artillery shall judge any particular directions necessary for, or alterations and improvements to be made in, the construction or preparation of ordnance, arms, and military stores, of any kind, he shall communicate the same to the board of war and ordnance for their consideration ; who shall thereupon give such orders for the artificers and laboratory men, as they shall judge the good of the service requires.

5. That the field commissary of military stores, his deputies, conductors, and clerks, shall be independent of the commissary-general of military stores ; and the said field commissary shall make monthly returns of all ordnance, arms, and military stores, received, issued, and remaining on hand, to the board of war and ordnance, the commander in chief, and the commanding officer of artillery. His deputies and conductors also having the chief care of the military stores, with any detached parts of the army, shall make the like returns to the board of war and ordnance, the respective officers commanding those detachments, their commanding officers of artillery, and the field commissary ; and the latter shall draw the whole into one general return monthly, one copy whereof he shall transmit to the board of war and ordnance, one to the commander in chief, one to the commanding officer of artillery, and a fourth to the commissary general of military stores.

6. That all moneys necessary for the department of the field commissary of military stores, shall be drawn out of the military chests by warrants from the commander in chief, and officers commanding detached parts of the army respectively ; and the accounts of expenditures adjusted and settled by the auditors of accounts, once in every three months, and finally transmitted to the treasury board.

7. That, when it shall be thought necessary, the commanding officer of artillery shall send officers of artillery to visit the laboratories, founderies and manufactories, to the intent that they may thereby gain an insight into the mechanical branches of their profession. And such number of artillery officers, as, in the opinion of the commanding officer of artillery, with the concurrence of the commander in chief, can be spared from their duty in the field, shall, at every convenient season, be stationed at all or any of the principal laboratories, to be instructed in the laboratory art, that a knowledge thereof may be disseminated through the corps.

8. That the deputy field commissaries and conductors shall apply for and receive all ordnance, arms, and stores issued from the fixed arsenals and magazines. And to prevent any that are insufficient being carried into the field, the said commissaries and conductors shall receive none apparently unfit for service. And whenever any articles in the ordnance department in the field shall be so damaged that they cannot be there repaired, and are, by order of the commanding officer of artillery, with the army, or with any detachment of it, sent to the commissary-general of military stores, or any of his deputies, he and they shall receive the same, at such place as shall be most convenient ; and either immediately cause them to be repaired, or replace them with others fit for service, as shall be most conducive to the public interest.

9. That the appointments of the said field-commissary and his subordinate officers, be as follows, viz.:

	Pay per month.	Subsist. per month.	Rations per day.
Of the field-commissary, -	- 75 dollars.	40 dollars.	1
Deputy field-commissary -	- 60	30	1
Conductor -	- 40	10	1
Clerk -	- 40	10	1

10. That there shall be one surveyor of ordnance, to be appointed annually from the colonels, the appointment to be made by the board of war and ordnance, until Congress shall direct otherwise. The officer thus appointed.



shall retain his rank in the artillery, and all the benefits arising from it; but during the time of his surveyorship, he shall not, except in extraordinary cases, or when called for by the commander in chief, perform any duty in the line. His duty as surveyor shall be to examine into the construction, qualities, and condition of all cannon, carriages, arms, and the materials for, and preparation of, every species of warlike stores, and to visit all the different arsenals, founderies, laboratories, and workshops, belonging to the ordnance department of the United States, carefully noting every error and defect he shall discover; which, together with a general state of the department, he shall report immediately to the board of war and ordnance, as well as the commanding officer of the artillery, with his ideas of any alterations and improvements proper to be made thereon. He shall also examine all ordnance and military stores in the field, and report the state of them to the commanding officer of artillery, and the board of war and ordnance; and for the purposes aforesaid, the commissaries of military stores, as well in the field as elsewhere, shall make returns to the said surveyor, and shall expose to his view all the ordnance, arms, and stores, and all materials for the ordnance department in their custody. And the surveyor shall examine the said stores, to ascertain whether the quality, quantity, and numbers agree with the return, and make report to the board only. He shall likewise examine into the number of workmen employed in each branch of the ordnance department; and the principal in each branch shall make monthly returns of all work done within the month, one to the said surveyor of ordnance, and one to the commissary-general of military stores; and each of the latter shall transmit copies thereof monthly to the board of war and ordnance.

11. For executing the duties before mentioned, and any others relating to the ordnance department, which the good of the service may, from time to time, require, the board of war and ordnance shall give to the said surveyor such instructions as they shall think proper.

12. For defraying the expenses of the said surveyor in the exercise of his office, he shall be allowed 70 dollars per month, besides his appointments as a field officer of artillery.

13. That the commanding officer of artillery of the United States, for the performance of his duties therein before prescribed, shall be allowed 75 dollars per month; and the commanding officer of artillery with any detached part of the army, shall have a like allowance, in proportion to his pay in the line.

FRIDAY, *February* 19, 1779.

A petition from major Des Isnard and capt. de Truisson, was read, praying, as they cannot find an immediate passage to France, to be admitted to serve the ensuing campaign in count Pulaski's corps, the former with the pay of captain and the latter of lieutenant:

*Resolved*, That they be informed that the present arrangement and state of the army do not admit the granting the prayer of their petition.

A letter from J. Reed, president of the council of Pennsylvania, was read, requesting that Congress would favor the council of Pennsylvania, with copies of their proceedings against capt. Nicholson, on the complaint of gov. Johnson of Maryland; upon a like complaint made by gov. Henry, of Virginia, against an officer of the United States; and lately on a complaint made by New-Jersey, or the governor thereof, against general Maxwell:

*Resolved*, That the president be furnished with the copies desired.

A motion was made, that the president be informed, that the several states have a right to copies of public resolutions of Congress, upon applications being made to the secretary therefor by their delegates.

On this the previous question was moved, and the yeas and nays being required thereon by Mr. M. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	>ay	<i>Maryland</i> ,	Mr. Plater,	ay	
<i>Mass'-tts-Bay</i> , Mr. S. Adams,	ay			Paca,	ay	
	Gerry,	ay		Carmichael,	ay	}ay
	Lovell,	ay		Henry,	ay	
	Holten,	ay	<i>Virginia</i> ,	Mr. T. Adams,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	>ay		F. L. Lee,	ay	
<i>Connecticut</i> , Mr. Ellsworth,	ay			M. Smith,	no	}ay
	Root,	ay		Griffin,	ay	
<i>New-York</i> , Mr. Jay,	ay			Nelson,	ay	
	Lewis,	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	>ay		Hill,	no	}ay
	Pell,	ay		Burke,	ay	
<i>Pennsylvania</i> , Mr. Clingan,	ay	>ay	<i>S.-Carolina</i> ,	Mr. Drayton	ay	
	Atlee,	ay		Hutson,	ay	}ay
			<i>Georgia</i> ,	Mr. Langworthy,	ay	>ay

So it passed in the affirmative, and the main question was set aside.

The committee on the treasury brought in a report: Whereupon,

**Resolved**, That 5,000,160 dollars in bills of credit of the United States, be emitted under the direction of the board of treasury, and on the faith of the United States:

That the bills, excepting the numbers, be of the same tenor and date as the emission directed on the 3d of February inst. and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

22,728 bills of 60 dollars each.	22,728 bills of 30 dollars each.	22,728 bills of 7 dollars each.
22,728 do. 50 do.	22,728 do. 20 do.	22,728 do. 5 do.
22,728 do. 40 do.	22,728 do. 8 do.	

Whereas by the depositions of Samuel Inglis, it appears to the committee of the treasury, that the facts set forth in his petition to Congress of the 9th of December last, are truly stated; and that about the 9th of October last, having in his possession five sets of bills of exchange, dated the 21st of September last, and issued by Thomas Smith, esq. commissioner of the continental loan-office in Pennsylvania, on the commissioner or commissioners of the United States in Paris, in favor of Robert Bridges, to the amount of 5130 livres tournois, for payment of interest due on loan-office certificates, he the said Samuel Inglis, to prevent the enemy from getting possession of the said bills, did destroy them, and that they consisted of the following denominations, viz.

No. 53 1 set, for 600 dollars.	No. 216 1 set, for 60 dollars.	No. 679 1 set, for 30 dollars.
112 1 do. for 300 do.	646 1 do. for 36 do.	

One thousand twenty-six dollars at five livres tournois per dollar, is 5130 livres tournois: -

**Resolved**, That the treasurer of loans be directed to sign and deliver to the said Thomas Smith, esq. to be by him issued to the said Robert Bridges, five sets of exchange, amounting to 5130 livres tournois, of the tenor and date aforesaid, excepting that each set is to consist of the 5th, 6th, 7th, and 8th bills, and to specify in the body of each bill that one only of the eight is to be paid: provided that the said Samuel Inglis shall, previous to the issuing of the said bills, give to the said treasurer of loans a bond in the penalty of 20,000 dollars, with sufficient sureties, payable to the president of Congress, or his successor in office, for the benefit of the United States, for indemnifying the public or any person or persons who may be interested therein, from the payment of any of the original bills of exchange aforesaid:

**Resolved**, That the treasurer of loans furnish the said Robert Bridges, with quadruplicate letters of advice, each containing an attested copy of the preceding resolution, to the commissioner or commissioners of the United States at Paris.

**Ordered**, That Mr. Ellsworth have leave of absence.

*Ordered*, That the marine committee give directions to have one of the continental frigates prepared for sea with all expedition.

SATURDAY, *February 20*, 1779.

Mr. R. H. Lee, a delegate from Virginia, attended, and took his seat in Congress.

Whereas brigadier M<sup>c</sup>Intosh, commanding a detachment of the army at Fort-Pitt, hath requested leave to retire from that command :

*Resolved*, That the commander in chief be directed to appoint a proper officer to succeed to the said command ; and that brigadier-general M<sup>c</sup>Intosh, on being relieved, repair to the main army or to such post as shall be assigned to him by the commander in chief.

A report from the board of war was read : Whereupon,

*Resolved*, That the portmanteaus and vases furnished to the officers of the army by the quarter-master general, pursuant to the orders of the commander in chief, be charged to the United States, and the officers permitted to retain them for their own use : provided that no officer shall be more than once furnished at the public expense, with the articles aforesaid, unless unavoidably lost, or taken by the enemy in time of action .

*Resolved*, That in consideration of the losses of capt. Lewis Celeron, 1000 dollars be granted to him to enable him to equip himself for further service.

*Resolved*, That no brevet commission be granted to any officer except with the consent of nine states.

The committee consisting of the delegates of Virginia, to whom were referred letters of gov. Henry, and William Finnie, deputy quarter-master general, respecting the convention troops stationed near Charlottesville, in Virginia, report,

That having conferred with the board of war, they are informed that orders were given in due time to the commissary and quarter-master general, for providing every thing necessary in their respective departments for the use of the said convention troops ; that no complaints have been received respecting a deficiency of provisions ; that the barracks were not completed for the reception of the troops at the time of their arrival, but that they would soon be in good order after that time ; that many British officers had been permitted to go to the neighboring towns for quarters, until they could be better accommodated at or near the barracks ; that as no preparation hath been made at any other place for the accommodation and subsistence of the said troops, it will be inconvenient at present to remove them ; that as some complaints have been received respecting the negligence of the quarter-master in that department, the disorders which are apprehended and at present subsist, may probably be prevented and remedied by the personal attendance of the said quarter-master at the barracks : Whereupon,

*Resolved*, That orders issue from the board of war to the quarter-master in the said department, directing him to reside at or near the said barracks, and that the governor and council of the state of Virginia, be authorized and requested to superintend the conduct of those who shall have the direction of the said troops: and, if they shall think it proper, to take such order for the accommodation and distribution of the said troops within the said state as the necessity of the case may require.

Congress proceeded to the election of two auditors in the army ; and, the ballots being taken, Felix Varley and Alexander Fowler were elected.

*Resolved*, That the president of Congress, from time to time, transmit to the executive powers of the several states, blank commissions for officers in the line to be appointed by them, and that they be requested regularly to send the names of such officers to the board of war.

MONDAY, *February 22, 1779.*

A letter, of the 19th, from gen. Washington, was read, enclosing unsealed letters from New-York to major-general Lee :

*Ordered*, That the president forward to major-general Lee the letters directed to him, and inform him that Congress have no doubt but he will explain the transaction therein mentioned.

In pursuance of the powers vested in him, Mr. M'Kean, a delegate of the state of Delaware, signed and ratified the articles of confederation in behalf of that state.

TUESDAY, *February 23, 1779.*

The delegate of Delaware laid before Congress sundry resolutions passed by the council of that state, January the 23d, 1779, respecting the articles of confederation and perpetual union, and concurred in by the house of assembly, January the 28th, 1779, previous to their passing a law to empower their delegates to sign and ratify the said articles of confederation and perpetual union.

On which it was moved, that the same be filed : to which it was moved as an amendment to add "provided that it shall never be considered as admitting any claim by the same set up or intended to be set up."

On this amendment the yeas and nays being required by Mr. Ellery,

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Pennsylvania</i> , Mr. Clingan,	ay	}	ay	
	Frost,			ay	Atlee,			no
<i>Mass' s-Bay</i> , Mr. S. Adama,	ay	}	ay		Shippen,			ay
	Lovell,			ay	Searle,	ay	}	no
<i>Rhode-Island</i> , Mr. Ellery,	ay			<i>Delaware</i> , Mr. M'Kean,	no			
	Holten,	}	ay	<i>Maryland</i> , Mr. Paca,	no			
	Collins,				Henry,	no	}	no
<i>Connecticut</i> , Mr. Root,	ay			<i>Virginia</i> , Mr. T. Adams,	ay			
<i>New-York</i> , Mr. Jay,	ay	}	ay		F. L. Lee,	ay	}	ay
	Morris,				M. Smith,	ay		
	Floyd,				Griffin,	ay		
	Lewis,				R. H. Lee,	ay		
<i>New-Jersey</i> , Mr. Witherspoon,	no	}	no		Nelson,	ay		
	Frelinghausen,			<i>N.-Carolina</i> , Mr. Penn,	ay	}	ay	
					Burke,			
				<i>S.-Carolina</i> , Mr. Drayton,	ay	}		ay

So it passed in the affirmative.

On the question, *Resolved*, That the paper laid before Congress by the delegate from Delaware and read, be filed ; provided that it shall never be considered as admitting any claim by the same set up or intended to be set up.

The committee on the treasury brought in a report : Whereupon,

*Resolved*, That the following persons, nominated by the board of treasury, be appointed signers of bills of credit of the United States, namely, Nathaniel Donell, Robert Roberts, son of John Roberts, surveyor, Jedediah Snowden, Samuel Lyon, Joseph Carleton, Joshua Coit, John Nicholson, Cornelius Comegys, Moses Young, Belcher P. Smith, George Bond, Thomas Eddison, William Gamble, Joseph Watkins, Isaac Gray, Lodowick Sprogell, Robert Muller, John Lawrence, John Leacock, Samuel Wetherill, jun. Joseph Kerr, Luson Simmons, William Stretch, Thomas Nevil, Paul Cox, James Dundas and Robert Cather.

Congress resumed the consideration of the report of the board of war of January 22d ; Whereupon,

*Resolved*, That Mons. Vernie be appointed major in brigadier-general Palaski's legion.

the powers of the delegates of Connecticut; and, on the question, whether a less number than two can represent the state of Connecticut, agreeable to the credentials of the delegates of said state?

The yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Clingan,	no	}	no
	Frost,	no				Shippen,	no		
<i>Massa'ette-Bay,</i>	Mr. S. Adams,	no	}	no		Atlee,	no	}	no
	Gerry,	no			<i>Maryland,</i>	Mr. Plater,	no		
	Holten,	no	}	no		Carmichael,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no				Henry,	no		
	Collins,	no	}	no	<i>Virginia,</i>	Mr. T. Adams,	no	}	no
<i>Connecticut,</i>	Mr. Dyer,	ay				R. H. Lee,	no		
	Root,	no	}	div.		Griffin,	no	}	no
<i>New-York,</i>	Mr. Jay,	no				Nelson,	no		
	Duane,	no	}	no	<i>N.-Carolina,</i>	Mr. Penn,	no	}	no
	Morris,	no				Hill,	no		
	Floyd,	no	}	no		Burke,	no	}	no
	Lewis,	no			<i>S.-Carolina,</i>	Mr. Laurens,	no		
<i>New-Jersey,</i>	Mr. Frelinghausen,	no	}	no		Drayton,	no	}	no
	Fell,	no			<i>Georgia,</i>	Mr. Langworthy,	no		

So it passed in the negative.

A letter, of the 25th, from T. Mifflin, was read, informing, that he has not heard what resolution Congress have been pleased to make, in consequence of his resignation of his commission of major-general in the service of the United States in August last, and requesting Congress to accept his resignation; Whereupon,

*Resolved,* That his resignation be accepted.

The committee, consisting of Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, Mr. Drayton, and Mr. Hutson, to whom were referred instructions from the general assembly of the state of Pennsylvania to their delegates, and other papers respecting the defence of the western frontiers, report,

That they have, according to order, met and conferred with a committee of the said general assembly, on the subject of the said instructions, and received from them a representation of the circumstances of the western frontiers; Whereupon,

*Resolved,* That the representation of the circumstances of the western frontiers, communicated by a committee of the general assembly of Pennsylvania, and also copies of the memorials and of the letters from the governors of Connecticut and New-York, respecting the depredations on the said frontiers, be transmitted to the commander in chief, who is directed to take effectual measures for the protection of the inhabitants, and chastisement of the savages.

*Resolved,* That five companies of rangers be immediately raised on the said western frontiers, to protect the same and annoy the enemy; each company to consist of a captain, two lieutenants, four serjeants, four corporals, a drummer, a fifer, and sixty privates, and that one pay-master and one deputy commissary of musters be appointed for the whole of the said corps:

That the supreme executive council of the state of Pennsylvania be authorized to appoint the said officers, and to give the necessary orders for raising and keeping up the said companies to their full complement; and that they be requested, if they deem it necessary, to apply to the legislature for a law to enable them to make draughts from the militia for these purposes:

That the companies shall be raised and inlisted for nine months, unless the service shall sooner admit of their discharge:

That every volunteer, on passing muster, shall receive a bounty of 100 dollars, and be entitled to continental pay and rations, providing himself, at his own expense, with arms and clothing.

FRIDAY, February 26, 1779.

Mr. J. Armstrong, a delegate from Pennsylvania, attended and took his seat in Congress.

A letter, from major-general Lee, was read, explaining the transaction referred to in the unsealed letters from New-York, which were ordered to be forwarded to him :

*Resolved*, That his explanation is satisfactory to Congress.

A motion was made that gen. Lee be informed, that Congress disapprove of his negotiating his bills in New-York :

On which the previous question was moved, and the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} div.	<i>Maryland</i> ,	Mr. Paca,	ay	} ay
Frost,	no			Carmichael,	ay	
<i>Mass'atts-Bay</i> , Mr. Lovell,	ay	} *		Henry,	ay	} ay
Holten,	no		<i>Virginia</i> ,	Mr. T. Adams,	no	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay		F. L. Lee,	ay	} no
Root,	ay			M. Smith,	no	
<i>New-York</i> , Mr. Jay,	no	} no		R. H. Lee,	ay	} no
Duane,	no			Griffin,	no	
<i>New-Jersey</i> , Mr. Frelinghausen,	no	} no		Nelson,	no	} no
Fell,	no		<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>Pennsylvania</i> , Mr. Clingan,	ay	} no		Hill,	no	} no
J. Armstrong,	no			Burke,	ay	
Atlee,	no	} no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} ay
Searle,	no			Drayton,	no	
			<i>Georgia</i> ,	Hutson,	ay	} ay
				Mr. Langworthy,	ay	

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} div.	<i>Maryland</i> ,	Mr. Paca,	no	} no
Frost,	ay			Carmichael,	no	
<i>Mass'atts-Bay</i> , Mr. Lovell,	ay	} *		Henry,	no	} no
Holten,	no		<i>Virginia</i> ,	Mr. T. Adams,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} div.		F. L. Lee,	no	} ay
Collins,	no			M. Smith,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} div.		R. H. Lee,	ay	} ay
Root,	no			Griffin,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay		Nelson,	ay	} ay
Duane,	ay		<i>N.-Carolina</i> ,	Mr. Penn,	ay	
<i>New-Jersey</i> , Mr. Frelinghausen,	ay	} ay		Hill,	ay	} ay
Fell,	ay			Burke,	no	
<i>Pennsylvania</i> , Mr. Clingan,	no	} ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} no
J. Armstrong,	ay			Drayton,	ay	
Atlee,	ay	} ay		Hutson,	no	} no
Searle,	ay		<i>Georgia</i> ,	Mr. Langworthy,	no	

So it was resolved in the affirmative.

On a report from the committee on the treasury :

Whereas it is required by a resolution of Congress of the 2d of January, last " that bills of the emissions of May 20th, 1777, and April the 11th, 1778, be crossed and struck through with a circular punch of one inch diameter ;" and whereas, much time is required in executing this business, and delays may from thence ensue injurious to the public :

*Resolved*, That that part of the resolution which respects crossing the said bills be dispensed with.

The committee, consisting of Mr. Ellery, Mr. Paca, Mr. Laurens, Mr. Dyer and Mr. Floyd, to whom was referred an application from the state of Massachusetts-Bay, &c. respecting a supply of provisions, brought in a report ; Whereupon, Congress came to the following resolutions :



Whereas it is represented to Congress, that the inhabitants of the states of Massachusetts-Bay, Rhode-Island and Providence Plantations, are distressed for want of bread, and cannot obtain supplies except from Maryland, Virginia, North-Carolina and South-Carolina: and, whereas, a private trade for grain and flour between the said states might be injurious and ineffectual:

*Resolved*, That it be recommended to the executive powers of Maryland, Virginia, North-Carolina and South-Carolina. at their discretion, to permit the executive powers of Massachusetts-Bay, Rhode-Island and Providence Plantations, to purchase and export, under proper regulations, such quantities of grain or flour as they may judge expedient, and may be able to spare respectively.

A motion having been made to strike out the word "North Carolina;" and on the question that it stand part of the report, the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Maryland</i> ,	Mr. Carmichael,	ay	} ay
Frost,	ay			Henry,	ay	
<i>Massa'tts-Bay</i> , Mr. Lovell,	ay	} *	<i>Virginia</i> ,	Mr. T. Adams,	ay	} ay
Holten,	ay			F. L. Lee,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay		M. Smith,	ay	
Collins,	ay			R. H. Lee,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay	} ay		Griffin,	ay	
Root,	ay			Nelson,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	} no
Duane,	ay			Hill,	no	
<i>New-Jersey</i> , Mr. Frelinghausen,	ay	} ay		Burke,	no	
Fell,	ay		<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} ay
<i>Pennsylvania</i> , Mr. Clingan,	ay	} ay		Drayton,	ay	
Shippen,	ay		<i>Georgia</i> ,	Hutson,	ay	
Armstrong,	ay			Mr. Langworthy,	ay	} ay
Atlee,	ay					

So it was resolved in the affirmative.

*Resolved*, That it be recommended to the governor of the state of Maryland to permit the schooner Hanna, Joseph Malcolm, master, to load in said state with flour and bar-iron, it appearing to Congress that the said vessel was fitted out by the board of war of Massachusetts-Bay for the purpose of supplying the public magazines in the said state.

#### SATURDAY, February 27, 1779.

Whereas the state of Maryland have granted to the officers of their troops a gratuity to enable them to equip themselves for the field the ensuing campaign; and whereas a considerable quantity of the money so granted is of the emissions of May the 20th, 1777, and April the 11th, 1778:

*Resolved*, That the board of treasury be empowered to exchange a sum not exceeding 40,000 dollars of the money now in the hands of brigadier-general Smallwood, advanced by the state of Maryland to their commissioned officers.

A letter, of the 24th, from gen. Washington, was read, enclosing a letter from brigadier Glover, and one from col. Wigglesworth, praying leave to resign their respective commissions:

*Ordered*, That the letter from col. Wigglesworth be referred to the delegates of Massachusetts-Bay.

*Resolved*, That Congress, sensible of brigadier-general Glover's past merit, and in expectation of his future services, direct the commander in chief to indulge him with a furlough for such time as may be necessary to settle his private affairs.

#### MONDAY, March 1, 1779.

Mr. Jay, president, laid before Congress a continuation of his powers as delegate for the state of New-York, which was read.

*Resolved*, That the committee, to whom were referred the letters and papers from Mr. President Reed, respecting public wagons employed by major-general Arnold, be empowered to send for persons and papers, and to examine witnesses on oath.

Congress resumed the consideration of a report of the board of war of February 6th, and thereupon,

*Resolved*, That Mons. Oneil be appointed captain of infantry in brigadier-general count Pulaski's legion :

That Mons. Verdiu, Mons. Beaulieu, Mons. Kerlevan, and Mons. la Close, be appointed lieutenants in the said legion.

TUESDAY, *March 2*, 1779.

The board of war having represented that application has been made to the board for arrearages of clothing due to two regiments for the year 1777, and that other regiments in the service have similar demands, which ought to be adjusted and paid with all the despatch compatible with the prevention of frauds to the United States :

*Resolved*, That a proper person be forthwith appointed and commissioned to settle and pay all accounts of arrearages of clothing due to the troops of these states for the year 1777 :

That this commissioner be authorized to call on the clothier-general and his deputies, for immediate and exact returns of all clothing by them issued for the year 1777, shewing at what times, to whom, and for whose use the same was issued ; which returns the clothier-general and his deputies are directed to make accordingly. The clothiers in the several states are also desired to make to the said commissioner similar returns of all the clothing by them issued for that year, on account of the United States, and the governments of the states respectively are requested to give the orders and assistance necessary for this end. And all officers of the army who have received clothing for the troops, either of any continental or state clothier, or by purchase or impressment, are directed to render to the commissioner aforesaid, a return of the same, and account with him for their due application :

That the commander in chief, and officers commanding at any separate posts, do forthwith cause the captains and officers commanding companies, in the troops under their immediate commands, to make out the accounts of their respective companies, specifying the names of the claimants still in the service, where they are, what they have received, and what is still due ; these points, in cases of doubt, to be ascertained by a particular enquiry of the officers, non-commissioned officers and privates of each company. The accounts thus formed and ascertained, shall be delivered to the regimental pay-masters, who shall draw them into a general one, and settle the same with the commissioner aforesaid, and the commissioner shall certify the sums due on such accounts, and to whom ; whereupon warrants shall be issued for payment, in like manner as for the monthly pay of the troops :

That the said regimental pay-masters pay the arrearages aforesaid to the non-commissioned officers and soldiers themselves, or their representatives, to whom they are due ; and account with the commissioner aforesaid for the moneys they received for that use, producing the receipts of the non-commissioned officers and soldiers, or their representatives, as vouchers. And if upon such accounting, there shall appear to be moneys in any pay-master's hands, received for non-commissioned officers and soldiers who afterwards died or deserted, the said commissioner shall certify the same to the pay-master general, or his deputy, at the post where the regiment of such pay-master is stationed, to whom he shall pay over all such moneys remaining in his hands :

Whereas it is represented to Congress, that the inhabitants of the states of Massachusetts-Bay, Rhode-Island and Providence Plantations, are distressed for want of bread, and cannot obtain supplies except from Maryland, Virginia, North-Carolina and South-Carolina: and, whereas, a private trade for grain and flour between the said states might be injurious and ineffectual:

*Resolved*, That it be recommended to the executive powers of Maryland, Virginia, North-Carolina and South-Carolina, at their discretion, to permit the executive powers of Massachusetts-Bay, Rhode-Island and Providence Plantations, to purchase and export, under proper regulations, such quantities of grain or flour as they may judge expedient, and may be able to spare respectively.

A motion having been made to strike out the word "North Carolina;" and on the question that it stand part of the report, the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Maryland</i> , Mr. Carmichael,	ay	}	ay
Frost,	ay			Henry,	ay		
<i>Mass'cts-Bay</i> , Mr. Lovell,	ay	}	.	<i>Virginia</i> , Mr. T. Adams,	ay	}	
Holten,	ay			F. L. Lee,	ay		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	M. Smith,	ay	}	ay
Collins,	ay			R. H. Lee,	ay		
<i>Connecticut</i> , Mr. Dyer,	ay	}	ay	Griffin,	ay	}	
Root,	ay			Nelson,	ay		
<i>New-York</i> , Mr. Jay,	ay	}	ay	<i>N.-Carolina</i> , Mr. Penn,	ay	}	no
Duane,	ay			Hill,	no		
<i>New-Jersey</i> , Mr. Frelinghausen,	ay	}	ay	Burke,	no	}	
Fell,	ay			Mr. Laurens,	ay		
<i>Pennsylvania</i> , Mr. Clingan,	ay	}	ay	Drayton,	ay	}	ay
Shippen,	ay			Hutson,	ay		
Armstrong,	ay			<i>S.-Carolina</i> , Mr. Langworthy,	ay	}	ay
Atlee,	ay			<i>Georgia</i> ,			

So it was resolved in the affirmative.

*Resolved*, That it be recommended to the governor of the state of Maryland to permit the schooner Hanna, Joseph Malcolm, master, to load in said state with flour and bar-iron, it appearing to Congress that the said vessel was fitted out by the board of war of Massachusetts-Bay for the purpose of supplying the public magazines in the said state.

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*Resolved*, That the board of treasury be empowered to exchange a sum not exceeding 40,000 dollars of the money now in the hands of brigadier-general Smallwood, advanced by the state of Maryland to their commissioned officers.

A letter, of the 24th, from gen. Washington, was read, enclosing a letter from brigadier Glover, and one from col. Wigglesworth, praying leave to resign their respective commissions:

*Ordered*, That the letter from col. Wigglesworth be referred to the delegates of Massachusetts-Bay.

*Resolved*, That Congress, sensible of brigadier-general Glover's past merit, and in expectation of his future services, direct the commander in chief to indulge him with a furlough for such time as may be necessary to settle his private affairs.

#### MONDAY, March 1, 1779.

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*Resolved*, That the committee, to whom were referred the letters and papers from Mr. President Reed, respecting public wagons employed by major-general Arnold, be empowered to send for persons and papers, and to examine witnesses on oath.

Congress resumed the consideration of a report of the board of war of February 6th, and thereupon,

*Resolved*, That Mons. Oneil be appointed captain of infantry in brigadier-general count Pulaski's legion :

That Mons. Verdiu, Mons. Beaulieu, Mons. Kerlevan, and Mons. la Close, be appointed lieutenants in the said legion.

TUESDAY, *March 2*, 1779.

The board of war having represented that application has been made to the board for arrearages of clothing due to two regiments for the year 1777, and that other regiments in the service have similar demands, which ought to be adjusted and paid with all the despatch compatible with the prevention of frauds to the United States :

*Resolved*, That a proper person be forthwith appointed and commissioned to settle and pay all accounts of arrearages of clothing due to the troops of these states for the year 1777 :

That this commissioner be authorized to call on the clothier-general and his deputies, for immediate and exact returns of all clothing by them issued for the year 1777, shewing at what times, to whom, and for whose use the same was issued ; which returns the clothier-general and his deputies are directed to make accordingly. The clothiers in the several states are also desired to make to the said commissioner similar returns of all the clothing by them issued for that year, on account of the United States, and the governments of the states respectively are requested to give the orders and assistance necessary for this end. And all officers of the army who have received clothing for the troops, either of any continental or state clothier, or by purchase or impressment, are directed to render to the commissioner aforesaid, a return of the same, and account with him for their due application :

That the commander in chief, and officers commanding at any separate posts, do forthwith cause the captains and officers commanding companies, in the troops under their immediate commands, to make out the accounts of their respective companies, specifying the names of the claimants still in the service, where they are, what they have received, and what is still due ; these points, in cases of doubt, to be ascertained by a particular enquiry of the officers, non-commissioned officers and privates of each company. The accounts thus formed and ascertained, shall be delivered to the regimental pay-masters, who shall draw them into a general one, and settle the same with the commissioner aforesaid, and the commissioner shall certify the sums due on such accounts, and to whom ; whereupon warrants shall be issued for payment, in like manner as for the monthly pay of the troops :

That the said regimental pay-masters pay the arrearages aforesaid to the non-commissioned officers and soldiers themselves, or their representatives, to whom they are due ; and account with the commissioner aforesaid for the moneys they received for that use, producing the receipts of the non-commissioned officers and soldiers, or their representatives, as vouchers. And if upon such accounting, there shall appear to be moneys in any pay-master's hands, received for non-commissioned officers and soldiers who afterwards died or deserted, the said commissioner shall certify the same to the pay-master general, or his deputy, at the post where the regiment of such pay-master is stationed, to whom he shall pay over all such moneys remaining in his hands :

That all non-commissioned officers and soldiers entitled to the continental bounty of clothing, who served in the year 1777, but are not now in the service, and their representatives in case of death, shall also receive the arrearages due for such clothing: provided they produce, or transmit to the commissioner aforesaid, accounts thereof, properly authenticated by the certificates of the officers under whom they immediately served, or other sufficient evidence. And the said commissioner being satisfied therewith, shall certify the sums due on those accounts; whereupon warrants shall issue as aforesaid for payment:

That as in the course of this enquiry it may appear, that the clothing issued to divers non-commissioned officers and soldiers for the year 1777, exceeds the bounty allowed by Congress, the regimental pay-masters shall enter the names of such in two separate rolls, for the inspection of the commissioner aforesaid, who shall transmit one of them to the pay-master general, or his deputy at the post where the regiments may happen to be, and the other to the commanding officers of the regiments to which such non-commissioned officers and soldiers belong, who shall thereupon be put under stoppages by order of such commanding officers, to the amount of the surplusages of the allowed bounty; for which the regimental pay-masters shall account with the pay-master general or his deputy aforesaid, upon every application for the regiment's monthly pay:

That the said commissioner be permitted to employ one or more clerk or clerks, to assist him in executing the commission aforesaid, as the business shall require:

That the said commissioner be allowed, while in actual service, the same pay and subsistence as an auditor of the army; and that he be appointed by, and accountable to, the board of war, and continue in office so long only as they shall think proper; and that his clerk, if the board of war shall deem it to be necessary he should be allowed one, have the same pay and subsistence as is granted to a clerk of an auditor of accounts in the army.

Whereas the state of Rhode-Island and Providence Plantations is invaded, and hath represented to Congress, that by reason thereof it is unable to levy the proportion of the continental tax assigned them for the present year:

*Resolved*, That 50,000 dollars be taken from the apportionment of the tax for the present year to the state of Rhode-Island and Providence Plantations; and that the same, by the consent of the delegates of the state of South-Carolina, be added to the apportionment of that state.

The board of war to whom was referred the memorial of Mr. D'Ugglaa, represent, that gen. Pulaski has expressed his wish that Mr. D'Ugglaa should be appointed adjutant to his corps; and therefore beg leave to report,

That George Gustave D'Ugglaa, be appointed a lieutenant in the legion commanded by general count Pulaski:

On the question to agree to the said report, the states were equally divided, and the question lost.

### WEDNESDAY, *March 3, 1779.*

Mr. Muhlenberg, a delegate for Pennsylvania, attended, and produced credentials, by which it appears that Frederick Muhlenberg, Henry Wynkoop, and James M'Clene, esqrs. were, on the second of this month, elected delegates to represent the state in Congress, in the room of Edward Biddle, Daniel Roberdeau, and William Clingan, esqrs.

### THURSDAY, *March 4, 1779.*

Mr. J. M'Clene, a delegate for Pennsylvania, attended, and took his seat in Congress.

A letter, of the 2d, from the board of war, was read, desiring to know the



sense of Congress, whether the supernumerary officers are entitled to one year's subsistence as well as pay, by virtue of the resolution of the 24th of November last; Whereupon,

*Resolved*, That the supernumerary officers, under the resolution of Congress, of the 24th of November last, are not entitled to subsistence from Congress.

A memorial from Robert Jewell, was read; whereupon, Congress took into consideration a report of the board of war, on a former memorial of R. Jewell; and, thereupon,

*Resolved*, That eight dollars a day be allowed to Robert Jewell, keeper of the new gaol in Philadelphia, for himself, his door keeper, and occasional clerk:

That his two assistants be allowed four dollars each per day:

That the pay of these allowances commence the 20th day of June, 1778, when the said R. Jewell and his assistants resumed the charge of the said gaol.

#### FRIDAY, *March 5*, 1779.

A letter, of the 2d, from the board of war, was read: Whereupon,

*Resolved*, That the committee of commerce be authorized and directed to provide such supplies and articles of clothing for the use of the army, as the board of war shall, from time to time, desire them to procure.

A letter, of February 25th; was read, from H. Pawling, major of col. Malcolm's regiment, desiring leave to resign his commission:

*Resolved*, That his resignation be accepted.

A letter of February the 12th, from brigadier Varnum, was read, desiring a dismission from the army:

*Resolved*, That the resignation of brigadier Varnum be accepted.

A letter, of February the 9th, from the board of war, was read: Whereupon,

*Resolved*, That the quarter-master general, commissary of purchases, and clothier-general, and such of their deputies as they shall appoint for that purpose, be, and they are hereby authorized and directed, to pay all certificates (of the authenticity whereof they are or shall be satisfied) for provisions, forage, clothing, or other articles within the line of their respective departments, furnished by the inhabitants to the troops on detachments, or in cases of necessity, where supplies could not be obtained in a regular course; for which sums so to be paid, they shall be allowed for their trouble one half per cent. and no more. The evidence of such supplies being furnished shall, so far as regards the party of whom received, be the certificates of the officers receiving them. But the officers in the said departments, the clothiers excepted, paying the same, shall notify the officers who gave such certificates to render an account of the application of the articles so received, and the said officers are hereby directed to render such account accordingly: and the said quarter-master and commissary-general, and their deputies, so paying the said certificates, are hereby authorized and empowered to examine and settle the said accounts. And whensoever any misconduct shall appear in any officer signing a certificate, the same shall be reported to the commander in chief, if the said officer be with the main army, and if not, to the commanding general or officer of the detachment of the army wherein such officer shall serve, that a trial and examination be had by a court-martial. And if there shall be any injustice done to the public, or the articles received by the officers were unnecessary, or did not come to the use of the troops, the officer found delinquent shall be obliged to refund to the United States the whole of the moneys paid on the certificate in pursuance hereof, or such part thereof as shall be adjudged reasonable, and be cashiered, or otherwise dealt with as a court-martial shall determine.

The clothier-general, or his deputies, shall transmit to the commissioner



appointed for settling the accounts of the arrearages of clothing due to the soldiers in the army, copies of such certificates as shall be paid by him, that the officers signing the certificates may be called on by the said commissioner to render an account of the distribution of the articles, which shall be duly charged to the men who have received them. In case of misconduct of any officer signing a certificate, the like proceedings shall be had, on the application and report of the commissioner of clothing, as are herein before directed.

No certificate given before this date shall be paid, unless the same be presented for payment within six months from this day; and no certificate hereafter given shall be paid, unless presented to the proper officer within three months after the date thereof.

And whereas it will be necessary that in future certificates be more formally authenticated, to prevent many inconveniencies which may arise similar to those already experienced :

*Resolved*, That certificates hereafter given by commissioned officers, for articles received for the use of the army, be signed with their names at full length, and the rank they hold ; and if under a general officer, that the regiment to which they belong be added :

That the particular articles received be inserted in the body of the certificate, their value, the time when, and place where received, in letters and not in figures :

That the certificates be directed to the principal of the department, whose duty it is to provide the articles so received, or his nearest deputy ; separate certificates to be given whensoever the articles appertain to the several departments :

That officers keep exact copies of the certificates they give, and transmit other copies to the nearest deputy or agent in the department, giving him the necessary information respecting the business :

That the deputies transmit copies of all the certificates they pay to their principals, that enquiry may be made whether the giving the certificates was necessary for the public service, and whether the things received have been properly applied :

The committee, consisting of Mr. Burke, Mr. Paca, Mr. Dyer, Mr. Root, Mr. M. Smith, to whom was referred the memorial of brigadier Thompson and other officers in the service of the United States, now prisoners of war on Long-Island ; and also a letter from the president of the council of the state of Massachusetts-Bay, with sundry papers enclosed respecting prisoners of war on the said island, brought in a report ; whereupon, Congress came to the following resolutions :

Whereas, Congress have on all occasions manifested an earnest desire to alleviate the calamities of war, and more especially to relieve the distresses of those brave and virtuous men, who with inflexible fortitude have sustained the rigours of a long captivity ; but all overtures have from a variety of obstacles hitherto proved ineffectual :

*Resolved, therefore*, That general Washington, commander in chief of the armies of the United States, be, and he hereby is fully authorized and empowered, at his discretion, to negotiate and establish with the commander in chief of his Britannic majesty's forces, a cartel or agreement for a general exchange of prisoners, comprehending the convention troops, or a more partial agreement for any particular or definite number of prisoners ; and to fix and conclude upon the terms of the said exchange, ascertaining and allowing an equivalent of inferior for superior officers, and an equivalent of privates for officers, according to such proportion as has been customary or shall appear to him to be just and equitable ; and to appoint commissioners and the time and place of their meeting, to treat and confer with the commissioners to be authorized by the commander in chief of the British forces, on the form

and manner of such exchange; and it is hereby declared, that the acts and stipulations of the said commissioners, being notified and confirmed by the respective commanders in chief aforesaid, shall be final and conclusive.

SATURDAY, *March 6, 1779.*

A memorial from the chevalier de la Colombe, was read, desiring to obtain the commission of major in the service of the United States, and to serve as supernumerary aid-de-camp to major-general baron de Kalb, who has expressed a desire to have him as such for the ensuing campaign; Whereupon,

*Resolved*, That the prayer of the memorial be not complied with.

The committee, consisting of Mr. Floyd, Mr. Ellery, and Mr. Burke, to whom was referred the report of the committee on appeals of January 19th, 1779, having, in pursuance of the instructions to them given, examined into the causes of the refusal of the judge of the court of admiralty for the state of Pennsylvania, to carry into execution the decree of the court or committee of appeals, report,

“That on a libel in the court of admiralty for the state of Pennsylvania, in the case of the sloop *Active*, the jury found a verdict in the following words, viz. “one-fourth of the net proceeds of the sloop *Active* and her cargo to the first claimants, three-fourths of the net proceeds of the said sloop and her cargo to the libellant and the second claimant, as per agreement between them;” which verdict was confirmed by the judge of the court, and sentence passed thereon. From this sentence or judgment and verdict, an appeal was lodged with the secretary of Congress, and referred to the committee appointed by Congress “to hear and determine finally upon all appeals brought to Congress” from the courts of admiralty of the several states:

That the said committee, after solemn argument and full hearing of the parties by their advocates, and taking time to consider thereof, proceeded to the publication of their definitive sentence or decree, thereby reversing the sentence of the court of admiralty, making a new decree, and ordering process to issue out of the court of admiralty for the state of Pennsylvania, to carry this their decree into execution:

That the judge of the court of admiralty refused to carry into execution the decree of the said committee on appeals, and has assigned as the reason of his refusal, that an act of the legislature of the said state has declared that the finding of a jury shall establish the facts in all trials in the courts of admiralty, without re-examination or appeal, and that an appeal is permitted only from the decree of the judge:

That having examined the said act, which is entitled, “an act for establishing a court of admiralty,” passed at a session which commenced on the 4th of August, 1778, the committee find the following words, viz. “the finding of the jury shall establish the facts, without re-examination or appeal,” and in the seventh section of the same act the following words, viz. “in all cases of captures an appeal from the decree of the judge of admiralty of this state, shall be allowed to the Continental Congress or such person or persons as they may, from time to time, appoint, for hearing and trying appeals.”

That although Congress, by their resolution of November 25th, 1775, recommended it to the several legislatures to erect courts for the purpose of determining concerning captures, and to provide that all trials in such cases be had by a jury, yet it is provided that in all cases an appeal shall be allowed to Congress or to such person or persons as they shall appoint for the trial of appeals;” Whereupon,

*Resolved*, That Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty, have necessarily the power to examine as well into decisions on facts as decisions on the law, and to decree finally thereon, and that no finding of a jury in any court of ad-

miralty, or court for determining the legality of captures on the high seas can or ought to destroy the right of appeal and the re-examination of the facts reserved to Congress :

That no act of any one state can or ought to destroy the right of appeals to Congress in the sense above declared :

That Congress is by these United States invested with the supreme sovereign power of war and peace :

That the power of executing the law of nations is essential to the sovereign supreme power of war and peace :

That the legality of all captures on the high-seas must be determined by the law of nations :

That the authority ultimately and finally to decide on all matters and questions touching the law of nations, does reside and is vested in the sovereign supreme power of war and peace :

That a controul by appeal is necessary, in order to compel a just and uniform execution of the law of nations :

That the said controul must extend as well over the decisions of juries as judges in courts for determining the legality of captures on the sea ; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures, and might at any time exercise the same in such manner as to prevent a possibility of being controuled ; a construction which involves many inconveniencies and absurdities, destroys an essential part of the power of war and peace entrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties or other breaches of the law of nations, and would enable a jury in any one state to involve the United States in hostilities ; a construction which for these and many other reasons is inadmissible :

That this power of controuling by appeal the several admiralty jurisdictions of the states, has hitherto been exercised by Congress by the medium of a committee of their own members :

*Resolved*, That the committee before whom was determined the appeal from the court of admiralty for the state of Pennsylvania, in the case of the sloop Active, was duly constituted and authorized to determine the same :

On passing this resolution, the yeas and nays being required by Mr. Searle,

<i>New-Hampshire</i> , Mr. Frost,	ay	ay	<i>Maryland</i> , Mr. Plater,	ay	
<i>Massa'setts-Bay</i> , Mr. S. Adams,	ay		Carmichael,	ay	ay
Lovell,	ay	ay	Henry,	ay	
Holten,	ay		<i>Virginia</i> , Mr. T. Adams,	ay	
<i>Rhode-Island</i> , Mr. Collins,	ay	ay	M. Smith,	ay	ay
<i>Connecticut</i> , Mr. Dyer,	ay		R. H. Lee,	ay	
Root,	ay	ay	<i>North-Carolina</i> , Mr. Penn,	ay	
<i>New-York</i> , Mr. Jay,	ay	ay	Hill,	ay	ay
Floyd,	ay		Burke,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no	*	<i>South-Carolina</i> , Mr. Laurens,	ay	ay
<i>Pennsylvania</i> , Mr. Armstrong,	no		Drayton,	ay	ay
Shippen,	no		<i>Georgia</i> , Mr. Langworthy,	ay	ay
Atlee,	no	no			
Searle,	no				
M'Clene,	no				

So it was resolved in the affirmative.

*Resolved*, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution.

On this the yeas and nays being required by Mr. Searle,

<i>New-Hampshire</i> , Mr. Frost,	ay	ay	<i>Rhode-Island</i> , Mr. Collins,	ay	ay
<i>Massa'setts-Bay</i> , Mr. S. Adams,	ay		<i>Connecticut</i> , Mr. Dyer,	ay	ay
Lovell,	ay	ay	Root,	ay	
Holten,	ay				

New-York,	Mr. Jay,	ay	} ay	Virginia,	Mr. T. Adams,	ay	} ay
	Floyd,	ay			M. Smith,	ay	
New-Jersey,	Mr. Witherspoon,	ay	} *	N.-Carolina,	R. H. Lee,	ay	} ay
Pennsylvania,	Mr. Armstrong,	no			Mr. Penn,	ay	
	Atlee,	no			Hill,	ay	
	Shippen,	no			Burke,	ay	} ay
	Searle,	no		S.-Carolina,	Mr. Laurens,	ay	
	M'Clene,	no	} no		Drayton,	ay	} ay
Maryland,	Mr. Plater,	ay		Georgia,	Mr. Langworthy,	ay	
	Paca,	ay					
	Carmichael,	ay					
	Henry,	ay					

So it was resolved in the affirmative.

*Resolved*, That the general assembly of the state of Pennsylvania, be requested to appoint a committee to confer with a committee of Congress on the subject of the proceedings relative to the sloop Active, and the objections made to the execution of the decree of the committee on appeals, to the end, that proper measures may be adopted for removing the said obstacles; and that a committee of three be appointed to hold the said conference with a committee of the general assembly of Pennsylvania: the members chosen, Mr. Paca, Mr. Burke and Mr. R. H. Lee.

The marine committee to whom was referred the gratification to be allowed to captain Peter Landais, for his services in transporting military stores to America, report,

"That in consideration of the danger captain Landais was exposed to whilst he was engaged in that service, and the propriety with which he executed it, he be allowed the sum of 12,000 livres, and that a bill be drawn on France for that sum:"

*Resolved*, That Congress agree to the said report.

The committee, consisting of Mr. Floyd, Mr. Ellery, and Mr. Burke, to whom was referred the memorial of Robert Temple, report, that they have examined the several charges in the account exhibited in his memorial, and are of opinion,

"That the locust trees, locust nursery, elm, walnut, and oak trees, apple trees, posts and rails and stones, framed fences, sheep house, oak plank, and the building on his wharf, being taken by the orders of the officers of the continental army, and applied to the public use, the said Robert Temple ought to be paid for the same as follows, viz.

For locust trees, -	4800	£ lawful.	Framed fence, -	200	£ lawful.
Apple trees, -	140		Sheep-houses, -	200	
Nursery, -	500		Plank, -	62	
Elm and walnut trees, &c. -	100		A building on the		
400 rods post and rail fence			wharf, -	200	
and stone wall -	400				
For another 400 rods post					
and rail fence, -	100				
					6702 £ lawful money.

That the destruction of the young fruit trees, and the injuries done to his barns and dwelling house, stables, dairy, and offices, ought to be considered as damages occasioned by the war; and that the said Robert Temple, in respect to the said damages, ought to be in the same situation as all other citizens of the United States who have suffered in the common calamity:

That the sum of £ 2500, lawful money, of the state of Massachusetts-Bay, hath been paid to the said Robert Temple, which, deducted from £ 6702 like money, to which the articles for which he ought to be paid amount, leave a balance of £ 4202 like money, equal to 14,006 2-3 dollars:" Whereupon,

*Resolved*, That the late quarter-master general pay to the said Robert Temple, the said balance of £ 4202, lawful money, equal to 14,006 2-3 dollars; and that on the settlement of his public accounts he be allowed the same, as well as the £ 2500 before paid to the said Robert Temple.

MONDAY, *March 8, 1779.*

A letter, of the 6th, from the board of war, was read : Whereupon,

*Resolved*, That all military commissions be filled up at the war office, and attested by their secretary, and then presented for signing to the president of Congress, who shall sign the same : after signature by the president, they shall be sent back to the war office, and there registered verbatim in a book to be kept for that purpose : after having been examined by the board, the seal of the board of war and ordnance, which the said board are hereby authorized and directed to provide, shall be affixed to the certificates or attestations of the entries of all such commissions.

*Resolved*, That all appointments of officers in the continental service by the respective states, be, in the first instance, by warrant, certified in such manner as they shall severally direct, to the board of war, whereupon proper commissions shall be made out in the manner abovementioned.

The board of war, to whom were referred the memorials of Messrs. James Elliot and Thomas M'Intire, report,

" That it appears Mr. Elliot received a commission or appointment in February last, from captain James Willing and Mr. Oliver Pollock, continental agent at New-Orleans, to act as lieutenant of engineers ; and that Mr. M'Intire, being an ensign returned from captivity, but having no vacancy in his regiment in which to serve, went from York-town with captain Willing in the character of his lieutenant, in which capacity he acted with much reputation, and acquired considerable property for the United States by captures from the enemy : that it appears Mr. Elliot behaved irreproachably, and raised a number of men for the service ; that whatever might be the authority of captain Willing or Mr. Pollock to make these appointments, the gentlemen acted under presumption that their appointments were valid : " Whereupon,

*Resolved*, That Mr. James Elliot, late of New-Orleans, be appointed a captain in the army of the United States :

That he receive the pay of a lieutenant from the 27th day of February, 1778, to the time of his present appointment :

That Mr. Thomas M'Intire, in consideration of his merit and services, be promoted to the rank of captain in the army of the United States :

That he receive the pay of lieutenant from the 30th day of December, 1777, to the time of his present appointment :

That capt. Elliot and capt. M'Intire be ordered to the western department, to be employed there as the commanding officer of the department shall think proper.

TUESDAY, *March 9, 1779.*

The board of treasury report,

That considering the services and sufferings of such of the non-commissioned officers and soldiers of the 3d Pennsylvania regiment, as were taken prisoners at New-York in the fall of the year 1776, there be no other stoppages than such as are already made for clothing supplied previous and subsequent to their captivity :

*Resolved*, That Congress agree to the said report.

The committee on the treasury, to whom was referred the memorial of lieutenant-colonel Eleazer Oswald and capt. John Brown, in behalf of themselves and 27 other persons, praying a compensation for the capture of two vessels on Lake Champlain in May, 1775, with brass cannon, ammunition, stores, provisions, &c. report,

That in their opinion the memorialists have no claim of justice to the compensation referred to, but that considering the utility of the enterprize, and the spirit with which it was conducted, a gratuity ought to be made to them ; Whereupon,



**Resolved**, That a warrant issue on the treasurer in favor of lieutenant-col ~~Ed. Oswald~~, for 4000 dollars, to be by him distributed to the officers and soldiers concerned in the said enterprize, agreeably to the proportions established in the case of captures of vessels made by lieutenant-colonel Brown in the year aforesaid; and that lieutenant-colonel Oswald be charged with ~~the said sum~~, and produce receipts from the persons concerned for payment of their proportions of the said allowance.

A memorial from Samuel Ensign, a soldier in capt. Spaulding's independent company, was read, praying, on account of his peculiar circumstances, ~~to be discharged~~ from the service:

**Resolved**, That the prayer of the memorial be granted.

**Resolved**, That John Brown, of Massachusetts-Bay, who is under sentence of death, by judgment of a court-martial, and who is recommended to Congress for mercy, be pardoned.

A report from the board of war was read: Whereupon,

**Resolved**, That col. Francis de Malmédy have leave to join the southern army, ~~that he~~ be employed agreeably to his rank, either in the command of a regiment of light infantry, if light corps are formed out of the battalions, or in such other way as major-general Lincoln shall deem most conducive to the public interest.

**Resolved**, That two members be elected for the standing committee for hearing and finally determining on appeals brought to Congress, to be added to Mr. Dayton, Mr. Ellery, and Mr. Henry, the present members of the said committee: the members chosen, Mr. Root, and Mr. Paca.

Congress took into consideration the report of the committee appointed to ~~advise with~~ the commander in chief: Whereupon,

**Resolved**, That the infantry of these United States for the next campaign be composed of eighty battalions, viz.

3 of New-Hampshire; 15 of Massachusetts-Bay; 2 of Rhode-Island and Providence Plantations; 8 of Connecticut; 5 of New-York; 3 of New-Jersey; 11 of Pennsylvania; 1 of Delaware; 8 of Maryland; 11 of Virginia; 6 of North-Carolina; 6 of South-Carolina; 1 of Georgia.

That each of the said battalions consist of the number of commissioned and non-commissioned officers and privates established by an act of Congress, passed on the 27th day of May last.

Whereas Congress by an act of January 23d last, did, among other things, authorize the commander in chief to take the most effectual measures to assist for the continuance of the war new recruits in the United States, to complete the battalions to their proper complement; and for this purpose to grant to each new recruit who should enlist in any of the continental battalions during the war, such a bounty as the commander in chief should think fit, but not to exceed 200 dollars; and it being apprehended that the said provision will not answer the good purposes thereby intended:

**Resolved**, That the above recited clause of the said act of Congress be repealed; and that it be earnestly recommended to the several states to make up and complete their respective battalions to their full complement by drafts, or in any other manner they shall think proper; and that they keep their quotas of deficiencies ready to take the field, and to march to such places as the commander in chief shall direct, without delay:

That a bounty of 200 dollars, out of the continental treasury, shall be granted to each recruit, who, after the 23d day of January last, hath enlisted, or shall enlist during the war; or in case the state shall have granted as great, or greater bounty, the said 200 dollars, for every such recruit, shall be paid to the credit of the state respectively for whose quota he shall be raised.

The committee on the treasury report,

That they have considered a petition of Joseph Philbuck, of the 24th of



July, 1777; a letter from the hon. Meshech Weare, president of the state of New-Hampshire, dated November 6th, 1778, enclosing affidavits of Samuel Davis and Ephraim Whitney; a memorial of John Hagerman and Matthew Hollenback, of the 10th of November last; a petition of William Gettes, of January 20th; and another from Thomas Newark, of 22d of February last, relative to their respective losses of continental money by fire and water; and are of opinion,

That the facts set forth in several of the petitions are not well supported; that it appears to the committee unnecessary to state the evidence adduced in support thereof, since admitting the facts respecting the destruction of the bills, there is not evidence to prove them not to have been counterfeit; that if this be not required, the public must be exposed to the greatest impositions and frauds, particularly from persons employed in making and passing counterfeit bills, and that for these, and many other reasons, the committee are clearly of opinion the prayers of the said memorials, and petitions, and letter, be not granted:

*Resolved*, That Congress agree to the said report.

#### WEDNESDAY, *March 10, 1779.*

The committee consisting of the delegates of Massachusetts, to whom were referred the letters from col. Edward Wigglesworth, to the commander in chief, brought in a report: Whereupon,

*Resolved*, That col. Wigglesworth's resignation be accepted, and that gen. Washington give him such certificate of his past services as he shall have merited.

#### THURSDAY, *March 11, 1779.*

A letter from lieutenant William Ritter, of col. Proctor's regiment, was read, desiring leave to resign his commission:

*Resolved*, That his resignation be accepted.

The board of war brought in a report; Whereupon,

*Resolved*, That the engineers in the service of the United States shall be formed into a corps, and styled the "corps of engineers;" and shall take rank and enjoy the same rights, honors, and privileges, with the other troops on the continental establishment:

That a commandant of the corps of engineers shall be appointed by Congress, to whom their orders, or those of the commander in chief, shall be addressed; and such commandant shall render to the commander in chief, and to the board of war, an account of every matter relative to his department:

That the engineers shall rank in their own corps, according to the dates of their respective commissions:

That every year, previous to the opening of the campaign, the commandant of the corps shall propose to the commander in chief, and to the board of war, such a disposition of the engineers as he shall judge most advantageous, according to the knowledge which he is supposed to have of their talents and capacity.

*Resolved*, That the board of war be empowered and directed to form such regulations for the corps of engineers and companies of sappers and miners, as they judge most conducive to the public service; and that the board report such allowances as they judge adequate and reasonable to be made to the officers of the corps of engineers for travelling charges, and when on command at a distance from camp, or in places where they cannot draw rations.

#### FRIDAY, *March 12, 1779.*

The marine committee brought in a report; Whereupon,

*Resolved*, That as there are private persons who claim an interest in the armed cutter Revenge, the said vessel be sold at public auction; and that the

marine committee be directed to make such sale, and to bid as much for her as she has been appraised at.

The committee, consisting of Mr. Harvey, Mr. Holten, Mr. Drayton, and Mr. Witherspoon, to whom was referred the memorial of sundry merchants of Philadelphia, respecting goods taken from them for the public service, immediately after the evacuation of the city by the enemy, and other papers relative to the said goods, brought in a report; Whereupon,

*Resolved*, That the clothier-general be, and hereby is, ordered, if there be any of the goods on hand, by him taken from the merchants of Philadelphia, at the time of the evacuation of the city by the enemy, and not fit for the use of the army, to return such goods to the persons from whom they were taken without delay; that for all such goods as he has sold to private persons, he pay to the persons from whom they were taken the sums for which they were sold:

With regard to the residue, a motion was made that the memorialists receive from the quarter-master and clothier-general 1200 per cent. upon the sterling cost of the goods seized by them for the use of the army of these states; to which an amendment and substitute was moved as follows:

That the clothier-general and quarter-master general pay to the memorialists from whom goods were taken for public use, the current price of the same at the time when the said goods were taken,

On this, the yeas and nays being required by Mr. Burke,

<i>N. Hampshire</i> , Mr. Whipple,	ay	ay	<i>Maryland</i> , Mr. Plater,	no	
<i>Massachusetts Bay</i> , Mr. S. Adams,	ay		Paca,	no	no
Gerry,	ay		Henry,	ay	
Lovell,	ay	ay	Mr. T. Adams,	no	
Holten,	no		F. L. Lee,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	no	M. Smith,	no	no
<i>Connecticut</i> , Mr. Dyer,	ay		R. H. Lee,	ay	
Root,	ay	ay	Griffin,	no	
<i>New-York</i> , Mr. Jay,	no		Nelson,	no	
Duane,	ay		<i>N.-Carolina</i> , Mr. Penn,	no	
Floyd,	ay	ay	Hill,	no	no
Lewis,	ay		Burke,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	div.
Frelinghausen,	ay	ay	Drayton,	no	
Fell,	no		<i>Georgia</i> , Mr. Langworthy,	ay	ay
<i>Pennsylvania</i> , Mr. J. Armstrong,	ay				
Searle,	ay	ay			
McClene,	ay				

So it was resolved in the affirmative.

#### SATURDAY, March 13, 1779.

*Resolved*, That the clothier-general and quarter-master general be directed to lay before Congress, without delay, a full account of the sales and distribution of the goods taken from the inhabitants of Philadelphia, when that city was evacuated by the enemy.

A representation to the committee of the general assembly of Pennsylvania, respecting the five companies ordered to be raised for the defence of the western frontiers, was read; Whereupon, on motion,

*Resolved*, That the resolution of the 25th of February last, for raising five companies for the defence of the western frontiers, be re-considered.

A motion was then made, that the resolution, with the representation, be referred to a committee: passed in the negative.

A question of order was then taken, whether a determination to re-consider a resolution involves a repeal of the said resolution.

(On which the yeas and nays being required by Mr. Morris,

<i>Mass'sts-Bay</i> , Mr. Gerry,	no	} no	<i>Maryland</i> , Mr. Plater,	no	} no
	no			no	
	no			ay	
<i>Rhode-Island</i> , Mr. Collins,	no	} no		no	} no
<i>Connecticut</i> , Mr. Dyer,	no		<i>Virginia</i> , Mr. T. Adams,	ay	
	no	} no		no	} ay
<i>New-York</i> , Mr. Jay,	ay			no	
	no	} div.		ay	
	no			ay	
	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
<i>New-Jersey</i> , Mr. Witherspoon,	no	} *		ay	
<i>Pennsylvania</i> , Mr. Armstrong,	no			no	
	no	} no	<i>S.-Carolina</i> , Mr. Laurens,	no	} dis.
	no			ay	
	no			ay	

So it passed in the negative.

A motion was made, to repeal the resolution for raising the five ranging companies ; whereupon, a question of order was taken,

Whether, if the question on the motion for repealing pass in the negative, the resolution under re-consideration will then be open to amendment.

On which the yeas and nays being required by Mr. G. Morris,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Maryland</i> , Mr. Plater,	ay	} ay
<i>Mass'sts-Bay</i> , Mr. Gerry,	no			ay	
	ay	} ay		ay	
	ay			ay	} no
<i>Rhode-Island</i> , Mr. Collins,	ay	} div.	<i>Virginia</i> , Mr. T. Adams,	no	
	no			ay	
<i>Connecticut</i> , Mr. Dyer,	no	} no		no	
	no			no	} no
<i>New-York</i> , Mr. Jay,	ay	} ay	<i>N.-Carolina</i> , Mr. Penn,	no	
	ay			no	
	no			ay	
	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	} ay
<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay		ay	
	ay			ay	
	ay			ay	

So it was resolved in the affirmative.

The question put for repealing : passed in the negative.

#### MONDAY, March 15, 1779.

*Resolved*, That whenever any motion or resolution shall be entered upon the journals of Congress, the names of the persons moving and seconding the same shall also be entered thereon.

The board of war brought in a report, which was taken into consideration ; Whereupon,

*Resolved*, That all officers, non-commissioned officers and soldiers, now belonging to the corps of light-dragoons, and artillery and infantry, and the corps of artillery artificers, commissioned and inlisted since the 16th of September, 1776, for three years, or during the war, or which shall hereafter be so commissioned and inlisted, not being part of the 88 battalions originally apportioned on the states, be considered as parts of the quotas of the several states to which they did or shall respectively belong when so commissioned or inlisted. And that where it has happened or shall happen, that any non-commissioned officers or soldiers of those corps shall not have gained a settlement in any part of the United States, they shall be considered as belonging to the state in which they were or shall be inlisted, and credited accordingly as part of the quota of such state.

That for the purpose of ascertaining the states to which the officers and soldiers now in the corps aforesaid shall be deemed to belong, the commander in chief be directed to cause returns to be made to him without delay, of the names of all the officers, non-commissioned officers and soldiers in the

said corps, and the states, counties and towns to which they belonged, or in which they were inlisted as aforesaid; which returns shall be transmitted to the board of war, who shall send to the respective states lists of the names and ranks of all officers and soldiers to be credited to them as aforesaid. The like returns to be made afterwards, once every three months, of all officers, non-commissioned officers and soldiers, who shall have entered into these corps after making the first of said returns.

**TUESDAY, *March 16, 1779.***

The committee appointed to confer with the commander in chief, brought in a report, which was taken into consideration; and thereupon, Congress came to the following resolutions:

Whereas discontent, loss of discipline, and diminution of the strength of the line, have arisen by employing the continental troops as wagoners; and it will be of public advantage to inlist proper persons for that service during the war:

*Resolved, therefore,* That the commander in chief be authorized and directed to take proper measures for causing to be inlisted such a number of wagoners as he shall judge necessary for the service, to continue therein to the end of the war; that each wagoner voluntarily engaging for that period, shall be entitled, in addition to the present monthly pay, clothing and subsistence, allowed to wagoners, to the same bounties, in all respects, as are granted to volunteers who shall inlist in the continental battalions for the term of the war: that the quarter-master general shall establish such regulations for the conduct of the said corps of wagoners as shall be judged expedient, and approved of by the commander in chief; in which care shall be taken that regular returns be made to the board of war of the number of wagoners ordered to be raised, as well as of those who shall actually engage in the service: that the same form, as near as may be, shall be pursued in mustering and paying the said corps of wagoners as is practised with respect to the troops of the line: that the quarter-master general be authorized to appoint a pay-master and muster-master for the said corps of wagoners, and transmit their names, and the regulations hereby authorized to be made to the board of war, to be respectively registered.

*Resolved,* That all warrant officers on the civil staff of the army, be put on the same footing with commissioned officers, in respect to arrests, trials, and punishments.

Whereas the issuing commissaries of provisions are by their appointments attached to particular departments, which, from a change of circumstances, and the position of the army, is become inconvenient:

*Resolved, therefore,* That all issuing commissaries shall, for the future, attend and perform the duties of their office, at such places and with such detachments of the army as shall be directed by the commander in chief or commissary-general of issues.

**WEDNESDAY, *March 17, 1779.***

On motion by Mr. S. Adams, seconded by Mr. Duane,

*Resolved,* That a bill be drawn in favor of capt. Landais, on the minister plenipotentiary of the United States of America at the court of France, and that the bill be drawn at 90 days sight.

**THURSDAY, *March 18, 1779.***

A letter, of the 5th, from major-general Schuyler, was read, desiring a compliance with his request for leave to resign, and also giving information that a part of the Onondagas have separated from the enemy, and joined the Oneidas, &c.

A motion was made by Mr. Gerry, and seconded by Mr. Dyer, that the resignation of gen. Schuyler be accepted.

To which an amendment was moved by Mr. Burke, and seconded by Mr. Gerry,

That the president be directed to inform gen. Schuyler, that Congress are very desirous of retaining him in the service, especially in the present situation of affairs; but, if the state of his health is such as that he judges it absolutely necessary to retire, Congress, though reluctantly, will acquiesce and admit his resignation.

On the question, that this be received as a substitute, the yeas and nays being required by Mr. Lovell,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
	no			ay	
		} no		no	} no
<i>Mass'-s-Bay</i> , Mr. Gerry,	ay		<i>Maryland</i> , Mr. Plater	no	
	no	} no		no	} no
	no			no	
<i>Rhode-Island</i> , Mr. Ellery,	no	} no	<i>Virginia</i> , Mr. T. Adams,	no	} no
	no			no	
<i>Connecticut</i> , Mr. Dyer,	no	} no		no	} no
	no			ay	
<i>New-York</i> , Mr. Jay,	no	} no		no	} no
	no		<i>N.-Carolina</i> , Mr. Penn,	no	
	no	} no		no	} no
	no			ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} no	<i>S.-Carolina</i> , Mr. Laurens,	no	} no
	no			no	
	no	} no	<i>Georgia</i> , Mr. Langworthy,	no	} no
	no			no	

So it passed in the negative.

Another amendment was moved by Mr. Smith, and seconded by Mr. Langworthy,

That the president be directed to acquaint major-general Schuyler, that the situation of the army renders it inconvenient to accept his resignation, and therefore Congress cannot comply with his request.

On the question, that this be received as a substitute, the yeas and nays being required by Mr. Lovell,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
	no			no	
		} no		no	} no
<i>Mass'-s-Bay</i> , Mr. Gerry,	no		<i>Maryland</i> , Mr. Plater,	ay	
	no	} no		ay	} ay
	no			ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} no	<i>Virginia</i> , Mr. T. Adams,	ay	} ay
	no			ay	
<i>Connecticut</i> , Mr. Dyer,	no	} no		ay	} ay
	no			ay	
<i>New-York</i> , Mr. Jay,	ay	} ay		ay	} ay
	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	
	ay	} ay		ay	} ay
	ay			no	
<i>New-Jersey</i> , Mr. Witherspoon,	no	} ay	<i>S.-Carolina</i> , Mr. Laurens,	no	} dir.
	ay			ay	
	ay	} ay	<i>Georgia</i> , Mr. Langworthy,	ay	} ay
	ay			ay	

So it was accepted.

Upon the question to agree to the amendment as a resolution, the yeas and nays being required by Mr. Dyer,

<i>New-Hampshire</i> , Mr. Whipple,	no	} no	<i>Connecticut</i> , Mr. Dyer,	no	} no
	no			no	
		} no	<i>New-York</i> , Mr. Jay,	ay	} ay
<i>Mass'-s-Bay</i> , Mr. Gerry,	no			ay	
	no	} no		ay	} ay
	no			ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} no		ay	} ay
	no			ay	

<i>New-Jersey,</i>	Mr. Witherspoon, <i>no</i>	} <i>ay</i>	<i>Virginia,</i>	Mr. T. Adams, <i>ay</i>	} <i>ay</i>
	Frelinghausen, <i>ay</i>			M. Smith, <i>ay</i>	
	Fell, <i>ay</i>			R. H. Lee, <i>ay</i>	
<i>Pennsylvania,</i>	Mr. Armstrong, <i>ay</i>	} <i>no</i>	<i>N.-Carolina,</i>	Nelson, <i>ay</i>	} <i>ay</i>
	Searle, <i>no</i>			Mr. Penn, <i>ay</i>	
	McClene, <i>no</i>			Hill, <i>ay</i>	
<i>Maryland,</i>	Mr. Plater, <i>ay</i>	} <i>ay</i>	<i>S.-Carolina,</i>	Burke, <i>no</i>	} <i>div.</i>
	Carmichael, <i>ay</i>			Mr. Laurens, <i>no</i>	
	Henry, <i>ay</i>		<i>Georgia,</i>	Drayton, <i>ay</i>	
				Mr. Langworthy, <i>ay</i>	<i>ay</i>

So it was resolved in the affirmative.

### FRIDAY, March 19, 1779.

Whereas capt. Green was made prisoner at the Cedars in Canada, in 1776, and remained a hostage for the capitulation entered into by general Arnold, and was afterwards permitted to return to these states on parole :

*Resolved,* That the commander in chief be directed to take such measures as shall appear to him to be proper for the exchange or release of the said capt. Green, in the cartel which he is authorized to settle with the commander in chief of his Britannic majesty's forces ; and that a copy of the paragraph of gen. Schuyler's letter of January 12th, respecting capt. Green, be transmitted to the commander in chief.

### SATURDAY, March 20, 1779.

A petition from Rufus Lawrence, a soldier in capt. Spaulding's independent company, was read, praying, for sundry reasons therein set forth, to be discharged :

*Ordered,* That the prayer of the petition be granted.

A report from the board of treasury was read : Whereupon,

*Resolved,* That the clerks of the treasury, marine committee, board of war, and secretary's office, be allowed each six dollars per day.

The committee, consisting of Mr. G. Morris, Mr. Drayton, and Mr. Paca, appointed to prepare a recommendation to the several states to set apart a day of fasting and prayer, brought in a draught, which was taken into consideration, and agreed to as follows :

Whereas, in just punishment of our manifold transgressions, it hath pleased the Supreme Disposer of all events to visit these United States with a calamitous war, through which His divine Providence hath, hitherto, in a wonderful manner, conducted us, so that we might acknowledge that the race is not to the swift, nor the battle to the strong : and whereas, notwithstanding the chastisements received and benefits bestowed, too few have been sufficiently awakened to a sense of their guilt, or warmed with gratitude, or taught to amend their lives and turn from their sins, that so he might turn from his wrath ; and whereas, from a consciousness of what we have merited at his hands, and an apprehension that the malevolence of our disappointed enemies, like the incredulity of Pharaoh, may be used as the scourge of Omnipotence to vindicate his slighted Majesty, there is reason to fear that He may permit much of our land to become the prey of the spoiler, our borders to be ravaged, and our habitations destroyed :

*Resolved,* That it be recommended to the several states to appoint the first Thursday in May next, to be a day of fasting, humiliation and prayer to Almighty God, that he will be pleased to avert those impending calamities which we have but too well deserved : that he will grant us his grace to repent of our sins, and amend our lives, according to his holy word : that he will continue that wonderful protection which hath led us through the paths of danger and distress : that he will be a husband to the widow and a father to the fatherless children, who weep over the barbarities of a savage



enemy: that he will grant us patience in suffering, and fortitude in adversity: that he will inspire us with humility, moderation, and gratitude in prosperous circumstances: that he will give wisdom to our councils, firmness to our resolutions, and victory to our arms: that he will bless the labours of the husbandman, and pour forth abundance, so that we may enjoy the fruits of the earth in due season: that he will cause union, harmony, and mutual confidence to prevail throughout these states: that he will bestow on our great ally all those blessings which may enable him to be gloriously instrumental in protecting the rights of mankind, and promoting the happiness of his subjects: that he will bountifully continue his paternal care to the commander in chief, and the officers and soldiers of the United States: that he will grant the blessings of peace to all contending nations, freedom to those who are in bondage, and comfort to the afflicted: that he will diffuse useful knowledge, extend the influence of true religion, and give us that peace of mind, which the world cannot give: that he will be our shield in the day of battle, our comforter in the hour of death, and our kind parent and merciful judge through time and through eternity.

Done in Congress, this 20th day of March, in the year of our Lord one thousand seven hundred and seventy-nine, and in the third year of our independence.

JOHN JAY, *President*.

Attest, CHARLES THOMSON, *Secretary*.

On a report of a committee, consisting of Mr. Plater, Mr. Dyer and Mr. Nelson, to whom was referred an application from the general assembly of Pennsylvania:

*Resolved*, That a sum not exceeding 2,000,000 of dollars be granted on loan to the state of Pennsylvania, at six per cent. per annum, agreeable to the request of the said state: and that the board of treasury prepare and report a proper resolution on the subject.

Congress proceeded to the election of a secretary and pay-master to the navy board in the middle district; and, the ballots being taken, Mr. Joseph Pennel was elected.

### MONDAY, March 22, 1779.

*Resolved*, That the commissioners of claims be directed to adjust the accounts of capt. William Peery, and make him a reasonable allowance for his expenses in applying, from time to time, to Congress, for money to pay the officers and soldiers of his independent company.

The committee on the treasury, to whom was referred a memorial of Jesse Brown, respecting his account as passed by the commissioners, report, that the balance of 4740 dollars, reported by the commissioners to be due to Jesse Brown, for riding express between November 16th, 1777, and March the 3d, 1779, inclusive, be paid.

Whereupon, it was moved by Mr. Root, and seconded by Mr. Dyer, to strike out the sum of 4740, and insert 5171.

On which the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} div.	<i>Maryland</i> ,	Mr. Plater,	no	} no
	Frost,			Paca,	no	
<i>Massa'sts-Bay</i> , Mr. Holten,	no	}*		Carmichael,	no	
<i>Rhode-Island</i> , Mr. Collins,	no			Henry,	no	} no
<i>Connecticut</i> , Mr. Dyer,	ay	} ay	<i>Virginia</i> ,	Mr. T. Adams,	no	
	Root,			F. L. Lee,	ay	
<i>New-York</i> , Mr. Jay,	no	} no		Smith,	no	
	Morris,			R. H. Lee,	no	
	Floyd,			Nelson,	no	
	Lewis,		<i>N.-Carolina</i> ,	Mr. Penn,	no	} no
<i>New-Jersey</i> , Mr. Frelinghausen,	ay	} div.		Hill,	no	
	Fell,			Burke,	no	
<i>Pennsylvania</i> , Mr. Armstrong,	no	} no	<i>S.-Carolina</i> ,	Mr. Drayton,	no	} no
	Muhlenberg,		<i>Georgia</i> ,	Mr. Langworthy,	ay	
	McClene,					

So it passed in the negative.

On the question, *Ordered*, That the sum of 4740 dollars, reported by the commissioners to be due to Jesse Brown for riding express between November 16th, 1777, and March 3d, 1779, inclusive, be paid.

**TUESDAY, *March*, 23, 1779.**

Mr. N. Vandyke, a delegate from the state of Delaware, attended, and took his seat in Congress.

Congress took into consideration a report of the committee appointed to confer with the commander in chief; and thereupon, passed the following

Ordinance for regulating the clothing department for the armies of the United States.

There shall be a clothier-general, a sub or state-clothier for each state, and a regimental-clothier.

The clothier-general is to be subject to the orders of the board of war and commander in chief. He is to furnish estimates of the supplies wanted for the army; to apply to the commander in chief and board of war for assistance therein; to make returns of such estimates to them respectively; to receive all supplies imported from abroad, and purchased in the country by continental agents; to superintend the distribution thereof to the state-clothiers; to settle accounts with them at least every six months; to keep regular accounts of all the clothing he shall receive, as well as of the distribution thereof among the state-clothiers; and to transmit his accounts twice in every year to the board of treasury, and settle them in the chambers of accounts when required; and generally to take care, on the one hand, that justice is done to the public on the other, that the army receive whatever shall be allowed to them in a regular, direct, and seasonable manner; and at the same time, so to act between the continent and each particular state, that equal and impartial justice may be done on all sides.

*The sub or state-clothier.*

A sub or state-clothier is to be appointed by each state respectively, to reside with or near the army, or such detachment thereof in which the troops of the said state may be, as the commander in chief shall direct, the better to know and supply their wants. The state appointing him is to be answerable for his conduct. In case of neglect or misbehaviour, he is to be displaced by the commander in chief, and his successor to be appointed by the state to which he belonged. He is to receive from the clothier-general the proportion of clothing assigned for the troops of his state, out of the public clothing imported or purchased by continental agents; and from the state for which he is appointed, all the clothing which may, at continental expense, be purchased in such state; of the latter, their quality and price, he shall transmit exact accounts to the clothier-general, and, when required, submit the several articles to the inspection of the clothier-general, or any person for that purpose deputed by him; he is to issue all clothing supplied as aforesaid to the regimental-clothiers, on returns signed by the commanding officers of regiments. He is to keep exact returns with each regiment, inspect those of the regimental-clothiers, see that the articles delivered them are duly issued to the troops; and that all the clothing procured at continental expense, above the allowance made by Congress, drawn by non-commissioned officers and privates, is charged to them, and credited to the pay-roll; and that the commissioned officers receive what is credited to them and no more. He is to keep exact accounts with the clothier-general in behalf of the public, charging the United States only with what is allowed to the officers and men. Whenever the troops of any state shall have received their proportion of clothing from the continental stores, the supplies purchased at continental expense by the state to which they belong, or from both, and there shall remain a surplus

which may be wanted for other troops not fully supplied, the sub-clothier possessed thereof is to deliver over the surplus to such other state-clothier as the clothier-general shall direct, taking duplicate invoices and receipts from the state-clothier to whom they shall be transferred, one set of which he is to deposit with the clothier-general, and the other to retain as his own voucher: the clothier-general on his part making proper entries in his accounts, to do justice to all concerned.

When from a deficiency in the public stores, the troops of any state shall not have received their allowance of clothing, the state-clothier is without delay to represent their wants, particularly enumerated in a return for that purpose, to the executive authority of the state to which he belongs, requesting a speedy and adequate supply.

And in case a state, at its own expense, shall give and deposit with him any clothing, for the more comfortable subsistence of its quota of troops, in addition to the allowance made by Congress, he is strictly to pursue the directions of such state, as well with respect to the distribution, as the vouchers for the delivery, and the manner and time of settling his accounts: transmitting once in every six months a copy of such accounts to the clothier-general, and as often, and whenever required, to the state to which he belongs.

*The regimental clothier.*

The office of regimental-clothier shall always be executed by the regimental pay-master. He is to be furnished by captains or officers commanding companies with returns, specifying the men's names, and the particular wants of each; these he is to digest into a regimental return; which, being signed by the officer commanding the regiment, and countersigned by himself, with a receipt upon it of the supplies delivered to the regiment, is to be lodged with the state-clothier, and become to him a voucher for the delivery in his settlement with the clothier-general. He is to keep an account with each officer and soldier for every article delivered, taking a receipt from them, as his voucher for the delivery: he is to credit them for the continental allowance, and to charge them for every thing they receive, making stoppages in the monthly pay-rolls for whatever they may fall in debt to the public beyond the allowance. And to prevent in future unequal distribution of clothing, either to the officers or soldiers, and the confusion and complaints which have heretofore been occasioned by irregular applications from commanding officers of regiments to public agents in different posts, it is hereby strictly enjoined on those agents, the clothier-general, and the sub or state-clothiers, to issue no clothing on any pretence whatsoever, but in the manner before prescribed: nor shall any article be credited to either of them on settlement of their accounts, which is not to be issued and vouched.

And whereas discretionary changes of the uniforms of regiments have proved inconvenient and expensive: the commander in chief is therefore hereby authorized and directed, according to the circumstances of supplies of clothing, to fix and prescribe the uniform, as well with regard to the color and facings, as the cut or fashion of the clothes to be worn by the troops of the respective states and regiments, which shall, as far as possible, be complied with by all purchasing agents employed by Congress, as well as particular states, by the clothier-general, sub or state-clothiers and regimental-clothiers, and all officers and soldiers in the armies of the United States. And where materials can be purchased instead of ready made clothes, it shall always be preferred, in order that they may be made up by the tailors of the several regiments, to save expense and prevent the disadvantages which the soldiers frequently suffer from their unfitness; and instead of breeches, woollen overalls for the winter, and linen for the summer, are to be substituted.

That the board of war prepare and transmit instructions and forms, according to which the several clothiers are to conduct the business and settle

their accounts ; and that the board of war report to Congress the proper salaries or allowances to be made to the several clothiers for their services.

A letter, of the 23d, from M. Clarkson, was read, representing, that as gen. Arnold has resigned his command in this city, his service is no longer required as one of his aids ; and as he is desirous of serving his country in the army to the southward, which he proposes joining as a volunteer, therefore soliciting Congress that they would free him from the injunctions laid on him by their order of the 1st of February last : Whereupon,

A motion was made by Mr. Searle, and seconded by Mr. Langworthy, that the request of major Clarkson in the said letter be complied with.

After some debate thereon, a motion was made by Mr. Laurens, and seconded by Mr. S. Adams, that the further consideration of the said motion be postponed ; and the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Maryland,</i> Mr. Plater,	no	} div.
<i>Mass'-ts-Bay,</i> Mr. S. Adams,	ay	} ay	Paca,	no	
Gerry,	ay		Carmichael,	ay	
Lovell,	no	} ay	Henry,	ay	} no
Holten,	ay		Mr. T. Adams,	ay	
<i>Rhode-Island,</i> Mr. Ellery,	no		F. L. Lee,	no	
<i>Connecticut,</i> Mr. Dyer,	ay	} ay	M. Smith,	no	} no
Root,	ay		R. H. Lee,	ay	
<i>New-York,</i> Mr. Jay,	ay		Griffin,	no	
Duane,	ay	} ay	Nelson,	no	} no
G. Morris,	no		Mr. Penn,	no	
<i>New-Jersey,</i> Mr. Fell,	ay		Hill,	no	
<i>Pennsylvania,</i> Mr. Armstrong,	no	} ay	Burke,	no	} no
Shippen,	ay		Mr. Laurens,	ay	
Muhlenberg,	ay		Drayton,	no	
M'Clene,	ay	} ay	<i>Georgia,</i> Mr. Langworthy,	no	} no
<i>Delaware,</i> Mr. Vandyke,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. Morris, and seconded by Mr. Drayton, that major Clarkson attend at the bar of the house to-morrow at twelve o'clock ; and that he be reprimanded from the chair, for the indecent language contained in his letter of the 27th of January last, to the president and council of Pennsylvania.

On which the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Delaware,</i> Mr. Vandyke,	ay	ay
<i>Mass'-ts-Bay,</i> Mr. S. Adams,	ay	} ay	<i>Maryland,</i> Mr. Plater,	ay	} ay
Gerry,	ay		Carmichael,	ay	
Lovell,	ay		Henry,	ay	
Holten,	ay	} no	Mr. T. Adams,	ay	} div.
<i>Rhode-Island,</i> Mr. Ellery,	no		F. L. Lee,	no	
<i>Connecticut,</i> Mr. Dyer,	ay		M. Smith,	ay	
Root,	ay	} ay	R. H. Lee,	no	} no
<i>New-York,</i> Mr. Jay,	no		Griffin,	no	
Duane,	ay		Nelson,	ay	} no
G. Morris,	ay	} ay	Mr. Penn,	ay	
Lewis,	ay		Hill,	no	
<i>New-Jersey,</i> Frelinghausen,	ay	} ay	Burke,	no	} ay
Fell,	ay		Mr. Laurens,	ay	
<i>Pennsylvania,</i> Mr. Armstrong,	ay		Drayton,	ay	
Shippen,	ay	} ay	<i>Georgia,</i> Mr. Langworthy,	no	} no
Muhlenberg,	ay				
M'Clene,	ay				

So it was resolved in the affirmative.

WEDNESDAY, March 24, 1779.

The board of war, to whom was referred the letter of the 5th, from major-general Schuyler, brought in a report ; Whereupon,

Resolved, That the commissioners for Indian affairs in the northern de-

partment, be empowered to order supplies of provisions to our faithful friends the Oneidas and other friendly Indians, as their necessities shall, in the opinion of the said commissioners, from time to time, require; and the commissaries of provisions in that department, are hereby required to obey the orders of the said commissioners for that purpose.

Major M. Clarkson attending, was called in, and, according to order, being reprimanded from the chair, withdrew.

On motion by Mr. Drayton, seconded by Mr. Laurens,

*Resolved*, That major Clarkson be permitted to join the southern army, agreeably to his request.

### FRIDAY, *March 26, 1779.*

A letter, of the 25th, signed Joseph Reed, president, in behalf of council, John Harris, chairman of committee of assembly, was read; enclosing extracts from the minutes of the general assembly and council of Pennsylvania, desiring "a free conference with a committee of Congress upon divers transactions of that honorable body, which may have a tendency to interrupt the harmony and confidence so necessary for the common interest of this and the United States;" and appointing committees of their respective bodies to hold such conference.

On motion by Mr. G. Morris, seconded by Mr. Smith, that the same be referred to a committee.

The yeas and nays being required by Searle,

<i>N.-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Delaware</i> ,	Mr. Vandyke,	no	}	no
Frost,	no			<i>Maryland</i> ,	Mr. Plater,	ay		
<i>Massa'sts-Bay</i> , Mr. S. Adams	no	}	no		Paca,	ay	}	ay
Lovell,	ay				Carmichael,	ay		
Holten,	no	}	div.	<i>Virginia</i> ,	Henry,	no	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	no				Mr. T. Adams,	ay		
Collins,	ay	}	no		F. L. Lee,	no	}	ay
<i>Connecticut</i> , Mr. Dyer,	no				Smith,	ay		
Root,	no	}	ay		R. H. Lee,	no	}	ay
<i>New-York</i> , Mr. Jay,	ay				Griffin,	ay		
Duane,	no	}	ay	<i>N.-Carolina</i> ,	Nelson,	ay	}	ay
Morris,	ay				Mr. Penn,	ay		
Floyd,	ay	}	no		Hill,	ay	}	ay
Lewis,	no				Burke,	ay		
<i>New-Jersey</i> , Mr. Fell,	ay	}	no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	}	div.
<i>Pennsylvania</i> , Mr. J. Armstrong,	no				Drayton,	ay		
Shippen,	no	}	no	<i>Georgia</i> ,	Mr. Langworthy,	ay	}	ay
Searle,	no							
Muhlenberg,	no	}	no					
M'Glene,	no							

So the states were equally divided.

A motion was made by Mr. Morris, and seconded by Mr. Drayton, in the following words:

"Whereas, it appears from an extract of the minutes of the general assembly of Pennsylvania of the 25th instant, enclosed in the letter read this morning, that

"The honorable the speaker, agreeable to the direction of the house last evening, made the following report of the conference with the supreme executive council: that the president, on the part of the council, had represented that the harmony and confidence so necessary for the common interest of this and the United States, was in great danger of being interrupted by some late transactions of the honorable the Continental Congress, respecting the executive authority of the state: that several instances were enumerated, shewing that reasonable complaints made to Congress on former and late occasions had been either wholly neglected, or so treated that it would have been more honorable and advantageous to the state, to have submitted si-



lently to the injuries complained of, while other states on complaints of a similar nature, have received speedy and ample satisfaction: that it was necessary that the true interests of the state of Pennsylvania, its importance and services in the common cause, should be better known and understood by that honorable body than they hitherto seem to have been: as a happy means of removing all discontents, and promoting a perfect restoration of that union and harmony so essential to the interests and happiness of all, that it was proposed as an advance to those desirable objects, to request the honorable the Congress to appoint a committee to meet a joint committee of the council and this house, in a free conference on the subject-matter of the said representation."

And whereas, it appears by the said extract, that "the house taking the said report into consideration, resolved, that the house do approve of the said proposal contained in the above report, as highly necessary and proper to effect the desirable purposes abovementioned, at least to demonstrate their most earnest wishes to avoid every ground of controversy."

**Resolved**, That although Congress by no means admit the justness of the representation made against them by the said president, yet from an earnest desire to remove from the minds of the said assembly all ground of discontent, a committee be appointed to confer with the joint committees of the said assembly and council; and that the said committee be directed to report the matters and things which may be adduced in support of the said representation.

A motion was made by Mr. Smith, and seconded by Mr. Penn, to strike out the words "with the joint committees of the said assembly and council;" and insert the words "with the committee of the said assembly."

On which the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Delaware</i> ,	Mr. Vandyke,	no	}	no
	Frost,				Mr. Plater,	ay		
<i>Mass'ette-Bay</i> , Mr. S. Adams,	no	}	no	<i>Maryland</i> ,	Paca,	no	}	div.
	Lovell				Carmichael,	ay		
	Holten,				Henry,	no		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Virginia</i> ,	Mr. T. Adams,	ay	}	ay
	Collins,				F. L. Lee,	no		
<i>Connecticut</i> , Mr. Dyer,	no	}	no		Smith,	ay		
	Root,				R. H. Lee,	no		
<i>New-York</i> , Mr. Jay,	ay	}	ay		Griffin,	ay		
	Duane,				Nelson,	ay		
	Morris,			<i>N.-Carolina</i> ,	Mr. Penn,	ay	}	ay
	Floyd,				Hill,	ay		
	Lewis,				Burke,	ay		
<i>New-Jersey</i> , Mr. Fell,	no	}	no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	}	div.
<i>Pennsylvania</i> , Mr. Armstrong,	no				Drayton,	ay		
	Shippen,			<i>Georgia</i> ,	Mr. Langworthy,	ay	}	ay
	Muhlenberg,							
	Searle,							
	M'Clene,							

So the states were equally divided.

**SATURDAY, March 27, 1779.**

Mr. Joseph Spencer, a delegate from Connecticut, attended, and produced the credentials of his appointment, which were read.

A motion was made by Mr. M. Smith, and seconded by Mr. Burke, in the following words:

"Whereas it is of the utmost importance that Congress should be well informed of the situation of the several courts of Europe, and particularly of the views and designs of the British ministry; and whereas the servants of the United States at foreign courts have not in their public letters given satis-



factory information on that subject, and have written private letters to individuals, members of this house, which have lately arrived: therefore,

*Resolved*, That the members of Congress be called on from the chair, to declare upon their honor whether they have received any, and what intelligence relative to the views and designs of any of the European courts, and particularly of the court of Great-Britain."

On the question to agree to the resolution, the yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Vandyke,	ay	ay
<i>Massa'setts-Bay</i> , Mr. S. Adama,	ay		<i>Maryland</i> ,	Mr. Plater,	ay	
	Lovell,	ay		Paca,	ay	ay
	Holten,	ay		Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Collins,	no	div.	<i>Virginia</i> ,	Mr. T. Adams,	ay	
	Ellery,	ay		R. H. Lee,	ay	
<i>Connecticut</i> , Mr. Dyer,	ay			M. Smith,	ay	ay
	Root,	ay		Griffin,	no	
	Spencer,	no		Nelson,	ay	
<i>New-York</i> , Mr. Jay,	ay	ay	<i>North-Carolina</i> ,	Mr. Penn,	ay	ay
	Morris,	ay		Burke,	ay	
<i>New-Jersey</i> , Mr. Fell,	ay	*	<i>South-Carolina</i> ,	Mr. Laurens,	ay	ay
<i>Pennsylvania</i> , Mr. Armstrong,	ay			Drayton,	ay	
	Searle,	ay	<i>Georgia</i> ,	Mr. Langworthy,	ay	ay
	Shippen,	ay				
	Muhlenberg,	ay				
	M'Clene,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. Holten, and seconded by Mr. R. H. Lee, to strike out the words in the preamble, "and whereas the servants of the United States at foreign courts have not in their public letters given satisfactory information on that subject, and have written private letters to individuals, members of this house, which have lately arrived:" the words moved to be struck out containing two parts, the same were divided, and on the question, that the first part, as far as the words "on that subject," inclusive, stand part of the preamble, the yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	no	no	<i>Delaware</i> ,	Mr. Van Dyke,	no	no
<i>Massa'setts-Bay</i> , Mr. Lovell,	no		<i>Maryland</i> ,	Mr. Plater,	ay	
	Adama,	no		Paca,	no	dir.
	Holten,	no		Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Collins,	no	no	<i>Virginia</i> ,	Mr. T. Adams,	ay	
	Ellery,	no		F. L. Lee,	no	
<i>Connecticut</i> , Mr. Dyer,	no			Smith,	ay	ay
	Root,	no		R. H. Lee,	no	
	Spencer,	no		Griffin,	ay	
<i>New-York</i> , Mr. Jay,	ay	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	ay
	Morris,	ay		Burke,	ay	
<i>New-Jersey</i> , Mr. Fell,	ay	*	<i>S.-Carolina</i> ,	Mr. Laurens,	no	dir.
<i>Pennsylvania</i> , Mr. Armstrong,	no			Drayton,	ay	
	Shippen,	no	<i>Georgia</i> ,	Mr. Langworthy,	ay	ay
	Searle,	no				
	Muhlenberg,	no				
	M'Clene,	no				

So it passed in the negative.

Leave was then requested to withdraw the latter part, which being objected to, a question was then put, that the latter part, viz. "and have written private letters," &c. stand part of the preamble; on which the yeas and nays being required by Mr. Ellery, passed in the negative, every member answering no.

On the question to agree to the first part of the preamble: resolved in the affirmative.

The committee for publishing the journals desired the sense of the house on the question, shall the yeas and nays be printed in the journals now publishing?

And on the question, the yeas and nays being required by Mr. Laurens,

<i>N. Hampshire,</i> Mr. Whipple,	no } no	<i>Delaware,</i> Mr. Vandyke,	no } no
<i>Mass'ette-Bay,</i> Mr. S. Adams,	no }	<i>Maryland,</i> Mr. Plater,	ay }
Lovell,	ay } ay	Paca,	ay }
Holten,	ay }	Carmichael,	ay } ay
<i>Rhode-Island,</i> Mr. Ellery,	ay }	Henry,	ay }
Collins,	ay }	<i>Virginia,</i> Mr. T. Adams,	ay }
<i>Connecticut,</i> Mr. Dyer,	ay }	F. L. Lee,	no }
Root,	no }	Smith,	ay }
Spencer,	no }	R. H. Lee,	ay }
<i>New-York,</i> Mr. Jay,	ay }	Griffin,	ay }
Morris,	ay }	Nelson,	ay }
<i>New-Jersey,</i> Mr. Fell,	no } *	<i>N.-Carolina,</i> Mr. Penn,	ay }
<i>Pennsylvania,</i> Mr. Armstrong,	ay }	Burke,	ay }
Shippen,	no }	<i>S.-Carolina,</i> Mr. Laurens,	ay }
Searle,	ay }	Drayton,	ay }
Muhlenberg,	ay }		
McClene,	ay }		

So it was resolved in the affirmative.

MONDAY, *March 29, 1779.*

A letter, of the 16th, from Martin Eichelberger, a lieutenant in the regiment lately commanded by col. Hartley, was read, desiring leave to resign:

*Resolved,* That his resignation be accepted.

A letter, of the 25th, from baron Steuben, was read, accompanied with a system of regulations for the infantry of the United States; also, a letter from the board of war, representing that baron Steuben, inspector-general, has formed a system of exercise and discipline for the infantry of the United States; that the same has been submitted to the inspection of the commander in chief, and his remarks thereon and amendments incorporated in the work: that it has been examined with attention by the board, and is highly approved, as being calculated to produce important advantages to the states; and therefore praying "that it may receive the sanction of Congress, and be committed to the press:" Whereupon,

Congress passed the following order, to be prefixed to the said regulations for the order and discipline of the troops of the United States:

Congress judging it of the greatest importance to prescribe some invariable rules for the order and discipline of the troops, especially for the purpose of introducing an uniformity in their formation and manœuvres, and in the service of the camp:

*Ordered,* That the following regulations be observed by all the troops of the United States, and that all general and other officers cause the same to be executed with all possible exactness.

*Ordered,* That the board of war cause as many copies thereof to be printed as they shall deem requisite for the use of the troops.

On the report of a committee, consisting of Mr. Burke, Mr. Laurens, Mr. Armstrong, Mr. Nelson and Mr. Dyer, appointed to take into consideration the circumstances of the southern states, and the ways and means for their safety and defence:

*Resolved,* That it be recommended to the states of Virginia and North-Carolina respectively, to raise as many battalions of regular troops, for the particular defence of the southern states, as their respective circumstances will admit; such troops to be engaged only for one year, not to be compelled to serve on any enterprise, or on the defence of any part to the northward of Virginia; to be entitled to continental pay, clothing and subsistence, and a bounty not exceeding 200 dollars for every non-commissioned officer and soldier.

Whereas the Bahama-Islands are now garrisoned by and under the military government of the king of Great-Britain, and the inhabitants of the

said Islands have of late fitted out many privateers and armed vessels for cruizing on the coasts of these United States; and such privateers and armed vessels have actually captured divers vessels, the property of the citizens of these states, on the coast of South-Carolina:

*Resolved*, That the resolutions of Congress of the 24th of July, 1776, so far as it relates to the said Bahama-Islands, be repealed, and from and after the date of this resolution held void.

Whereas John Laurens, esq. who has heretofore acted as aid-de-camp to the commander in chief, is desirous of repairing to South-Carolina, with a design to assist in defence of the southern states:

*Resolved*, That a commission of lieutenant-colonel be granted to the said John Laurens, esq.

Congress resumed the consideration of the motion under debate on Friday last, and doubts arising as to the effect of the equal division of the house on the amendment proposed:

*Resolved*, That the motion remains open to amendments, as if no question had been taken.

On motion by Mr. Smith, seconded by Mr. Burke,

*Resolved*, That whenever an amendment is moved to any matter or thing before the house, and any words are proposed to be struck out, the question shall first be put, shall the words moved to be struck out stand?

A motion was made by Mr. Smith, seconded by Mr. Drayton, to strike out the words "joint" and "council;" and on the question, shall they stand?

The yeas and nays being required by Mr. Searle,

<i>New-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Delaware</i> ,	Mr. Vandyke,	ay	}	ay
	Frost,				Mr. Plater,	ay		
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay	}	ay	<i>Maryland</i> ,	Paca,	ay	}	ay
	Lovell,				Carmichael,	no		
	Holten,				Henry,	ay		
<i>Rhode-Island</i> , Mr. Collins,	no	}	no	<i>Virginia</i> ,	Mr. T. Adams,	no	}	dis.
<i>Connecticut</i> , Mr. Dyer,	ay				F. L. Lee,	ay		
	Root,	}	ay		M. Smith,	no		
	Spencer,				R. H. Lee,	ay		
<i>New-York</i> , Mr. Jay,	no	}	no		Griffin,	no		
	Floyd,				Nelson,	ay		
	Lewis,			<i>N.-Carolina</i> ,	Mr. Penn,	no	}	ay
<i>New-Jersey</i> , Mr. Fell,	ay	}	*		Hill,	ay		
<i>Pennsylvania</i> , Mr. Armstrong,	ay				Burke,	ay		
	Shippen,	}	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	}	dis.
	Searle,				Drayton	no		
	Muhlenberg,							
	McClene,	}	ay					

So it was resolved in the affirmative.

On the question to agree to the motion: resolved in the affirmative.

*Resolved*, That the committee consist of five: the members chosen, Mr. Paca, Mr. Root, Mr. S. Adams, Mr. Laurens and Mr. R. H. Lee.

## TUESDAY, March 30, 1779.

The committee, consisting of Mr. Morris, Mr. Whipple, Mr. F. L. Lee, appointed to superintend the commissary's and quarter-master's departments, to whom was referred the memorial of James Mather, brought in a report; Whereupon,

*Ordered*, That a copy of the said memorial of James Mather be transmitted to William Buchannan, late commissary-general of purchases, and that he be directed to cause justice to be done in the premises.

On information, and at the request of the committee appointed on the 6th to confer with a committee of the general assembly of Pennsylvania, on the subject of the proceedings relative to the sloop Active:

*Resolved*, That the said committee be discharged, and that the subject be referred to the committee appointed yesterday to confer with the joint committee of the general assembly and council of Pennsylvania.

WEDNESDAY, *March 31*, 1779.

On motion by Mr. Drayton, seconded by Mr. M. Smith, Congress came to the following resolution :

Whereas it is essential to the interest and security of every free state, that the conduct of the public servants should be known to their constituents :

*Resolved*, That, from the first of January last, the journals of this house, except such parts as have been or shall be ordered to be kept secret, be printed immediately ; and that, for the future, the journal, except as above, be printed weekly and sent to the executive powers of the several states, to be by them laid before their respective legislatures ; and that a printer be engaged to print for Congress ; and also a printer or printers be employed to bring up the journals from the time of their present publication to the said first of January.

*Resolved*, That three members be added to the committee appointed to superintend the publication of the journals : the members chosen, Mr. Hill, Mr. Floyd, and Mr. Muhlenberg.

A letter, of the 30th, from Jonathan Trumbull, jun. was read, respecting the settlement of the accounts of his brother, Joseph Trumbull, late commissary-general :

Whereupon, the committee, consisting of Mr. R. H. Lee, Mr. Bartlett, Mr. Ellsworth, and Mr. S. Adams, to whom was re-committed the report on the letter of gov. Trumbull, of the 8th of October, and the memorial of William Hoskins, reported,

That it appears to your committee, that the late commissary-general Joseph Trumbull, coming into office in the earliest stage of the American contest, found himself without a system by which to trace the plan of his duty ; that, with great care, industry, labor, and attention, he instituted a plan by which the army, during his continuance in office, was amply supplied, with much economy, and to general satisfaction : that, during his commissariate, he was obliged to act not only in capacity of commissary-general of purchases, but to direct all the issues of provisions, and, for near two campaigns, had the additional duty of purveyor of the hospitals and quarter-master general, the three last of which employments greatly increased his care and trouble, but not so much his expenditure of moneys : it appears also to your committee, that the said commissary-general made great savings to the public by his large and seasonable purchases and contracts, outrunning and anticipating, in many instances, the orders of Congress, by which means he kept up large supplies, thereby moderating the demands of the seller, intercepting monopolies, and keeping down prices, which are now greatly augmented : that your committee have been shewn a state of the commissary-general's cash accounts for moneys received and issued by him, from which it appears that little, if any public moneys have been taken to his private use ; and that a compensation for services done by the said commissary-general still remains to be made, at a time, too, when the value of our currency is greatly altered from what it was when the services were performed ; whereupon, your committee report the following resolutions :

That for the services of the late commissary-general Trumbull, executed with great fidelity, prudence, care, and economy, the following allowances be made for the benefit of the legal representatives of the deceased, viz. a commission of one half per cent. on the gross sum of all moneys received and issued by him for public service ; also a commission of two and an half per cent. on such sums as appear to have been laid out in purchases made by himself ; and also a further commission of one half per cent. on the gross

sum received, as a compensation for his extra services in issuing, purveying, quarter-master's duties, and various contingencies of office, extra expenses, &c. &c.

That the amount arising from such allowances be immediately paid into the hands of the administrator on the deceased's estate, upon settlement of the cash account for moneys received and issued by the late commissary-general Trumbull:

That the administrator be directed, as soon as may be, to exhibit for final settlement before the treasury, the cash accounts above mentioned; and that said accounts being closed, the administrator be thereupon exonerated from further burthens of settlements, holding himself accountable, however, for any balance which, upon settlement made with the several purchasers employed by commissary Trumbull, may hereafter appear to be justly due to the public from the said commissary-general Trumbull's estate:

That William Hoskins be appointed and empowered to call to account and make settlements with all persons who have been employed under the late commissary Trumbull, as purchasers of stores and provisions, whose accounts are still unclosed, and prepare, as soon as possible, all the accounts of the said commissary-general remaining unsettled, and lay them before the treasury for final settlement, the said William Hoskins being authorized to receive and pay balances which appear to be due, and to account:

That for his services he be allowed

Congress took into consideration the said report, and, on the question to agree to the first commission of one half per cent. the yeas and nays being required by Mr. Burke,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Delaware</i> ,	Mr. Vandyke,	ay	} ay
<i>Massa'etts-Bay</i> , Mr. S. Adama,	ay	} ay	<i>Maryland</i> ,	Mr. Plater,	no	} no
	Lovell,	ay		Paca,	no	} no
	Holten,	no		Henry,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	<i>Virginia</i> ,	Mr. T. Adams,	ay	} ay
	Collins,	ay		M. Smith,	no	} no
<i>Connecticut</i> , Mr. Root,	ay	} ay		R. H. Lee,	ay	} ay
	Spencer,	ay		Griffin,	ay	} ay
<i>New-York</i> , Mr. Jay,	no	} no		Nelson,	no	} no
	Morris,	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	} no
	Floyd,	ay		Hill,	no	} no
	Lewis,	ay		Burke,	no	} no
<i>New-Jersey</i> , Mr. Fell,	no	} *	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} div.
<i>Pennsylvania</i> , Mr. Armstrong,	no	} no		Drayton,	no	} no
	Searle,	ay	<i>Georgia</i> ,	Mr. Langworthy,	ay	} ay
	Muhlenberg,	ay				
	McClene,	ay				

So it was resolved in the affirmative.

On the question to agree to the commission of two and an half per cent. the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Delaware</i> ,	Mr. Vandyke,	ay	} ay
<i>Massa'etts-Bay</i> , Mr. S. Adama,	ay	} ay	<i>Maryland</i> ,	Mr. Plater,	no	} no
	Lovell,	ay		Paca,	no	} no
	Holten,	no		Henry,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	<i>Virginia</i> ,	Mr. T. Adams,	ay	} ay
	Collins,	ay		F. L. Lee,	ay	} ay
<i>Connecticut</i> , Mr. Root,	ay	} ay		M. Smith,	no	} no
	Spencer,	ay		R. H. Lee,	ay	} ay
<i>New-York</i> , Mr. Jay,	no	} no		Griffin,	ay	} ay
	Morris,	no		Nelson,	no	} no
	Floyd,	ay	<i>N.-Carolina</i> ,	Mr. Penn,	no	} no
	Lewis,	ay		Hill,	no	} no
<i>New-Jersey</i> , Mr. Fell,	no	} *		Burke,	no	} no
<i>Pennsylvania</i> , Mr. Armstrong,	no	} no	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} div.
	Searle,	ay		Drayton,	no	} no
	Muhlenberg,	ay	<i>Georgia</i> ,	Mr. Langworthy,	ay	} ay
	McClene,	ay				

So it was resolved in the affirmative. -

On the question to agree to the last commission of half per cent. the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i> Mr. Whipple,	no	no	<i>Delaware,</i> Mr. Vandyke,	ay	ay
<i>Mass'ats-Bay,</i> Mr. Adams,	ay	ay	<i>Maryland,</i> Mr. Plater	no	no
Lovell,	ay		Paca,	no	
Holten,	no		Henry,	no	
<i>Rhode-Island,</i> Mr. Ellery,	ay	div.	<i>Virginia,</i> Mr. T. Adams,	ay	ay
Collins,	no		F. F. Lee,	ay	
<i>Connecticut,</i> Mr. Root,	ay	ay	Smith,	no	
Spencer,	ay		R. H. Lee,	ay	
<i>New-York,</i> Mr. Jay,	no	div.	Griffin,	no	
Morris,	no		Nelson,	ay	
Floyd,	ay		<i>N.-Carolina,</i> Mr. Penn,	no	no
Lewis,	ay		Hill,	no	
<i>New-Jersey,</i> Mr. Fell,	no	div.	Burke,	no	
<i>Pennsylvania,</i> Mr. Armstrong,	no		<i>S.-Carolina,</i> Mr. Laurens,	ay	div.
Searle,	ay		Drayton,	no	
Muhlenberg,	ay		<i>Georgia,</i> Mr. Langworthy,	no	no
M'Clene,	no				

So the states were equally divided and the question lost.

On the second resolution proposed, a motion was made by Mr. Burke, seconded by Mr. Penn, to strike out the word "cash;" and on the question shall the word "cash" stand; the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Maryland,</i> Mr. Plater,	no	no
<i>Mass'ats-Bay,</i> Mr. S. Adams,	ay	ay	Paca,	no	
Lovell,	ay		Carmichael,	no	
Holten,	ay	ay	<i>Virginia,</i> Mr. T. Adams,	ay	div.
<i>Rhode-Island,</i> Mr. Ellery,	ay		F. L. Lee,	ay	
<i>Connecticut,</i> Mr. Root,	ay	ay	Smith,	no	
Spencer,	ay		R. H. Lee,	ay	
<i>New-York,</i> Mr. Jay,	no	div.	Griffin,	no	
Floyd,	ay		Nelson,	no	
<i>New-Jersey,</i> Mr. Witherspoon,	ay	div.	<i>N.-Carolina,</i> Mr. Penn,	no	no
Fell,	no		Hill,	no	
<i>Pennsylvania,</i> Mr. Armstrong,	no	ay	Burke,	no	
Searle,	ay		<i>S.-Carolina,</i> Mr. Laurens,	ay	div.
M'Clene,	ay		Drayton,	no	
<i>Delaware,</i> Mr. Vandyke,	ay	ay			

So it was resolved in the affirmative.

On the question to agree to the resolution as reported by the committee the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Maryland,</i> Mr. Plater,	no	no
<i>Mass'ats-Bay,</i> Mr. S. Adams,	ay	ay	Paca,	no	
Lovell,	ay		Carmichael,	no	
Holten,	ay		Henry,	no	
<i>Rhode-Island,</i> Mr. Ellery,	ay	ay	<i>Virginia,</i> Mr. T. Adams,	no	no
<i>Connecticut,</i> Mr. Root,	ay		F. L. Lee,	ay	
Spencer,	ay	ay	M. Smith,	no	
<i>New-York,</i> Mr. Jay,	no		R. H. Lee,	ay	
Floyd,	ay	div.	Griffin,	no	
<i>New Jersey,</i> Mr. Witherspoon,	ay		Nelson,	no	
Fell,	no	div.	<i>N.-Carolina,</i> Mr. Penn,	no	no
<i>Pennsylvania,</i> Mr. Armstrong,	no		Hill,	no	
Searle,	ay	ay	Burke,	no	
M'Clene,	ay		<i>S.-Carolina,</i> Mr. Laurens,	ay	div.
<i>Delaware,</i> Mr. Vandyke,	ay	ay	Drayton,	no	

So it was resolved in the affirmative.

THURSDAY, April 1, 1779.

A letter, of the 13th of March, from the legislature of New-York to their delegates, was laid before Congress and read; Whereupon, Congress came to the following resolution: -



Whereas the delegates of the state of New-York have represented to Congress, that the legislature of that state taking into consideration the ravages committed by the Indians last fall, and the distresses occasioned thereby to a great number of families as well as the state at large; and that the said legislature considering the extreme difficulty and expense of covering an extensive frontier by posts against future incursions, have turned their attention to a western expedition against the Senecas, &c. as the cheapest and more eligible mode of securing the frontiers, and that they have empowered their governor to raise 1000 men by drafts from the militia for the defence of the frontiers :

*Resolved*, That Congress do approve of the spirited exertions of the said legislature, and the measures by them adopted to facilitate such enterprise: that the militia so to be raised shall be allowed continental pay and rations during their continuance in the said service; and that the commander in chief be immediately informed of the said levy, and be directed to give orders for their pay and subsistence accordingly.

The board of war to whom was referred the letter from lieut. col. W. Bradford, &c. brought in a report: Whereupon,

*Resolved*, That the resignation of lieut. col. W. Bradford, deputy commissary-general of musters, be accepted:

That the resignation of lieut. col. Noarth, deputy commissary of musters, be accepted.

The board of war recommended Henry Rutgers, jun. esq. to be elected deputy commissary-general of musters, in the room of lieut. col. Bradford; and Azariah Horton, esq. to be elected in the room of lieut. col. Noarth.

The board of war to whom was referred the letter of gov. Trumbull respecting the Salisbury furnace, reported specially the state of that furnace, being the result of a conference with Mr. Whiting: Whereupon,

*Resolved*, That gov. Trumbull be informed that Congress do not judge it proper to put the Salisbury furnace in blast at the continental expense.

The board of war report, that major la Neuville is a major by brevet, and that no pay or subsistence is allowed to officers in his situation; that the major is content to serve in his present rank in the southern army and to make the journey at his own expense; and that the board are of opinion,

That Mons. Noirmont de la Neuville be permitted to repair to the southern army, to serve under the orders of major-general Lincoln, or the officer commanding there, in his present rank of major; and that he receive the pay and subsistence of a major during the ensuing campaign.

*Resolved*, That Congress agree to the said report.

The committee on the treasury brought in a report: Whereupon,

*Resolved*, That 5,000,160 dollars in bills of credit of the United States be emitted under the direction of the board of treasury and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 19th of February last, and be numbered from the last number in each denomination progressively, and consist of the following denominations:

22,728 bills of 60 dollars,	1,363,680	22,728 bills of 8 dollars,	181,824
22,728 do. 50	1,136,400	22,728 do. 7	159,096
22,728 do. 40	909,120	22,728 do. 5	113,640
22,728 do. 30	681,840		
22,728 do. 20	454,560		<hr/> 5,000,160

On motion of Mr. Dyer, and seconded by Mr. Nelson,

*Resolved*, That the board of treasury allow Mr. Whiting his reasonable expenses on his journey to Congress, to know their pleasure with respect to their improving the Salisbury furnace for the purpose of casting cannon.

Mr. Paca, chairman of the committee appointed to confer with the joint committee of the general assembly and council of Pennsylvania, related verbally, the substance of a speech made yesterday by the president of Pennsylvania in the committee of conference, and desired farther instructions.

**SATURDAY, April 3, 1779.**

The board of war, to whom was referred an extract of a letter from major-general Schuyler to Mr. Duane, respecting commissions for the chiefs of the Oneidas and Tuscaroras, brought in a report which was taken into consideration: Whereupon,

*Resolved*, That 12 blank commissions be transmitted to the commissioners of Indian affairs for the northern department; and that they, or any two of them, be empowered to fill them up with the names of faithful chiefs of the Oneidas and Tuscaroras, giving them such ranks as the said commissioners shall judge they merit; the names and ranks to be by the commissioners reported to the board of war.

The board of war report, that the committee appointed at York-town to confer with baron Steuben, having promised to report that Mons. l'Enfant should have the commission of captain of engineers, and no report having been made on that subject, the board are of opinion,

That Mons. l'Enfant be appointed a captain in the corps of engineers in the service of the United States, to have rank from the 18th day of February, 1778.

*Resolved*, That Congress agree to the said report.

The committee appointed to confer with the joint committee of the general assembly and council of Pennsylvania, reported, that they have had a further conference, and that they, with the said joint committee, have agreed to two sets of resolutions, the one to be reported to Congress, and the other to the general assembly and council of Pennsylvania, by the committees of those several bodies respectively:

The resolutions laid before Congress for consideration are as follow:

*Resolved*, That unanimity and harmony between the representatives of the United States in Congress assembled and each state individually, has been, under God, the happy means of our past success, and the only sure foundation whereon to rest our future hopes of terminating the contest with Great-Britain with honor and advantage.

*Resolved*, That Congress is highly sensible of the importance and services of the state of Pennsylvania in the present contest, and regard with sincere concern and regret every event which may tend to lessen the mutual confidence and affection which has hitherto subsisted.

*Resolved*, That it is the full intention of Congress on all occasions, to manifest the same just and equal attention to the said state and authority of Pennsylvania as to any other state in the union.

*Resolved*, That any disrespectful and indecent behaviour of any officers of any rank, under the appointment of Congress, to the civil authority of any state in the union, will be discountenanced and discouraged; and that a contrary behaviour will be considered as one of the surest means to recommend any officer to the favor and notice of Congress.

*Resolved*, That the complaints against gen. Arnold be transmitted to his excellency the commander in chief, in order for trial; and that the same be duly notified to the executive council; and that they be requested to furnish the commander in chief with the evidence thereupon in their possession; and that all farther proceedings elsewhere cease, save the collecting and transmitting any further evidence thereupon to the commander in chief.

Congress took into consideration the resolutions submitted to them:

On the question to agree to the first resolution, resolved in the affirmative.

On the question to agree to the second resolution, resolved in the affirmative.

On the question to agree to the third resolution, resolved in the affirmative.

On the question to agree to the fourth resolution, resolved in the affirmative.

The fifth resolution being read,

A motion was made by Mr. Penn, and seconded by Mr. Burke,

That the consideration of the fifth resolution be postponed till Congress consider the report of the committee, on the letter of the 25th of January, from the president of the supreme executive council of Pennsylvania, and the letters of the 8th and 12th of February from major-general Arnold.

On which the yeas and yeas being required by Mr. R. H. Lee,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Delaware,</i>	Mr. Vandyke,	no	}	no
	Frost,	no			<i>Maryland,</i>	Mr. Plater,	no		
<i>Massa'sts-Bay,</i>	Mr. S. Adams	no	}	no		Paca,	no	}	no
	Lovell,	no				Carmichael,	ay		
	Holten,	no				Henry,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay	<i>Virginia,</i>	Mr. T. Adams,	no	}	no
	Collins,	ay				F. L. Lee,	no		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no		Smith,	no		
	Root,	no				R. H. Lee,	no		
	Spencer,	no				Griffin,	no		
<i>New-York,</i>	Mr. Jay,	ay	}	no	<i>N.-Carolina,</i>	Mr. Penn,	ay		}
	Duane,	no				Hill,	no		
	Floyd,	no				Burke,	ay		}
	Lewis,	no				Mr. Laurens,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no	<i>S.-Carolina,</i>	Drayton,	ay	}	div.
	Fell,	no				Mr. Langworthy,	ay		
<i>Pennsylvania,</i>	Mr. J. Armstrong,	no	}	no	<i>Georgia,</i>				
	Shippen,	no							
	Muhlenberg,	no							
	M'Clene,	no							

So it passed in the negative.

A motion was then made by Mr. Paca, and seconded by Mr. S. Adams, in lieu of the first part as far as "possession," inclusive, to substitute as follows :

"Resolved, That his excellency Joseph Reed's letter to Congress of the 25th of January, 1779, and gen. Arnold's letter of the 8th and 12th of February, and the resolves therein contained of the executive council of Pennsylvania, be, with the evidence which hath been collected and reported by the committee on those letters, transmitted to the commander in chief; and that he be directed to appoint a court-martial on the 1st, 2d, 3d, and 5th articles contained in the said resolves of the said executive council, the said articles only being cognizable by a court-martial; and that the reference be notified to the supreme executive council, and they be requested to furnish the evidence to the court-martial."

A motion was made by Mr. Ellery, and seconded by Mr. Burke, to amend the substitute proposed so as to read, "to appoint a court-martial on such articles contained in the said resolves of the said executive council, as Congress shall judge to be cognizable by a court-martial."

On which the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Armstrong,	no	}	no
	Frost,	no				Shippen,	no		
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	no	}	no		Muhlenberg,	no		
	Gerry,	no				M'Clene,	no		
	Lovell,	ay			<i>Delaware,</i>	Mr. Vandyke,	no	}	no
	Holten,	no			<i>Maryland,</i>	Mr. Plater,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay		Paca,	no	}	no
	Collins,	ay				Carmichael,	ay		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no		Henry,	no	}	no
	Root,	no			<i>Virginia,</i>	Mr. T. Adams,	no		
	Spencer,	no				F. L. Lee,	no		
<i>New-York,</i>	Mr. Jay,	ay	}	no		M. Smith,	no		
	Duane,	no				R. H. Lee,	no		
	Lewis,	no				Griffin,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no		Nelson,	no		
	Fell,	no							

<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	} div.
	Hill,	no			Drayton,	ay	
	Burke,	ay		<i>Georgia,</i>	Mr. Langworthy,	ay	

So it passed in the negative.

On the question to agree to the substitute, resolved in the affirmative.

A motion was then made to strike out the words, "and that all proceedings," &c. to the end; and the question, shall these words stand? passed in the negative.

On the question to agree to the resolution as amended: resolved in the affirmative.

### MONDAY, April 5, 1779.

On motion by Mr. F. L. Lee, seconded by Mr. Dyer,

*Resolved,* That baron Steuben, inspector-general, be informed by the president, that Congress entertain a high sense of his merit, displayed in a variety of instances, but especially in the system of military order and discipline formed and presented by him to Congress.

Congress resumed the consideration of the report of the board of war on the salaries of officers in the clothing department; Whereupon,

*Resolved,* That until the further order of Congress the clothier-general have a salary of 5000 dollars per annum.

Whereas, the duties of the sub or state clothiers who are to be appointed according to the late regulations of the clothier's department, will be very unequal, the quota of battalions of the several states differing:

*Resolved,* That each state determine and pay the salary proper for its clothier, and that each state-clothier shall be allowed two rations and forage for one horse per day during the time he is in actual service with the army, and going to and returning from the same:

That the regimental clothiers have an allowance of 30 dollars per month in addition to their present appointment:

That the clothier-general be authorized to employ one clerk, who shall receive the same allowance as the clerks of the auditors of the army.

Congress resumed the consideration of the report of the committee, on the letter of the 8th of October, from governor Trumbull and the memorial of William Hoskins; Whereupon,

*Resolved,* That the administrator of the estate of Joseph Trumbull, late commissary-general, be directed, as soon as may be, to exhibit for final settlement before the treasury the cash accounts of the said commissary-general.

### TUESDAY, April 6, 1779.

Congress proceeded to the election of deputy commissaries-general of musters in the room of Messrs. Bradford and Noarth, resigned; and, the ballots being taken, Mr. Henry Rutgers, jun. and Mr. Azariah Horton were elected.

The board of war, to whom was referred the memorial of lieutenant W. Macpherson, report,

"That being apprehensive the bringing Mr. Macpherson into the line would cause much disquietude among the officers, and be detrimental to the service, they consulted the commander in chief, who coincided with them in sentiment as to the impropriety of it; but as by the captivity of col. Ward, the commissary-general of musters, his duty will devolve on col. Varick, the next senior officer in the department, and consequently a post of deputy commissary-general of musters will be vacant till the release of the commissary-general of musters; and as the commander in chief has expressed his opinion that no bad consequences will arise from the nomination of Mr. W. Macpherson to that post: they therefore nominate the said William Macpherson to be elected a deputy commissary-general of musters in the service of the United States."

*Ordered*, That the consideration thereof be postponed.

Mr. Henry Wynkoop, a delegate from Pennsylvania, attended, and took his seat in Congress.

**WEDNESDAY, April 7, 1779.**

Congress resumed the consideration of the petition of G. Pierce, representing, that on the first of March, 1778, he lent to Mr. Matthew Boyd, commissioner of clothing for Chester county, £ 1000 without interest, to assist him in his department, which remained in his hands till within three weeks of the time when the emission of April 11, 1778, was called out of circulation: that at that time he was re-paid in bills of that emission: that he is in want of money by reason of losses occasioned by the enemy; and praying that the said money may be exchanged for good bills in circulation:

*Resolved*, That the prayer of the petition be granted.

A memorial from the undertakers of the continental manufactory of arms was read, representing that the success of their undertaking depends on the presence, care and superintendence of Mr. Windel, one of the copartners; and that Mr. Windel having long been a captain of artillery, and for fifteen years past first director of the royal manufactory of Charleville, and being much esteemed in his own country and a man of fortune, declines to leave his country and come to this unless he is invited by the honorable Congress, and have a promise of a rank superior to what he now enjoys, but without any pretensions to service or pay; and therefore praying such invitation and promise may be given agreeably to what they were encouraged to expect when they entered into the contract with the board of war; Whereupon,

*Resolved*, That the prayer of the memorial be granted.

The board of war, to whom was referred the memorial from capt. Sumner, report, "that it appears that the service of the armed vessels on lake Champlain, in 1776, was disagreeable, and that officers reluctantly quitted the line to take command of them: that as an inducement to officers possessing the requisite talents to engage in that service, general Schuyler offered to lieutenants the commission of captains, and gave them hopes of permanent provision in the navy; that influenced by these motives and a regard to the public good, capt. Sumner, among others, quitted his station in the line and took the command of one of the armed vessels abovementioned: that it further appears that by virtue of gen. Schuyler's orders, gen. Arnold, on the 1st day of July, 1776, appointed Mr. Sumner captain to the said command, in which capacity he in several actions behaved with great spirit and good conduct; and that in the opinion of the board capt. Sumner's resignation of his lieutenancy in the line to take the above command, should not prejudice his claim to rank on account of prior services;" Whereupon,

*Resolved*, That capt. Job Sumner, of col. Groaton's regiment, have a commission of captain in the army of the United States, to rank as such from the 1st day of July, 1776.

**THURSDAY, April 8, 1779.**

A letter, of the 7th, from the board of war, was read; Whereupon,

*Resolved*, That the board of war and ordnance be authorized to appoint persons to purchase necessaries for the army, until the further orders of Congress.

*Resolved*, That two members of Congress be elected to attend at the board of war in the room of Mr. F. L. Lee and Mr. Root: the members chosen, Mr. Spencer and Mr. Atlee.

The committee, consisting of Mr. Burke, Mr. Laurens, Mr. M. Smith, to whom was referred the letter of the 12th of February from major-general Lincoln, brought in a report:

*Resolved*, That until a cartel for a general exchange is established between



the commanders in chief of the forces of the United States and Great-Britain, in order to relieve as much as possible the difficulties pressing upon the prisoners taken during the operations of the forces under the command of general Lincoln, and the British forces who have invaded Georgia; the commanding officer of the southern army for the time being, be authorized to exchange the same to the extent of their relative numbers, on the terms proposed by major Pinckney to lieutenant-colonel Provost on the first day of February last, as far as the same will apply to the said prisoners:

That the said commanding officer for the time being, be authorized to dispense with the said terms where he shall judge that humanity or very pressing expediency may require it, and it shall not contravene general utility:

That effectual provision be made by a commissary of prisoners for supplying such of our people as remain unexchanged:

That a deputy commissary of prisoners be appointed for the southern army by the commanding officer thereof.

FRIDAY, *April 9, 1779.*

The board of war having recommended the following gentlemen to be appointed 2d lieutenants in the regiment of artillery commanded by colonel Harrison, Robert Burton, commission to be dated October 18th, 1778, Robert Jout, do. January 1st, 1779, Henry Vowles, do. do. John Mosely, do. do.

*Resolved*, That the said gentlemen be appointed, and commissions granted to them establishing their ranks from the times above specified.

The board of war report, that Mons. de Bois having had the brevet rank of major in the American army since the 5th of November, 1776, and received pay and rations agreeably thereto, without having been enabled to render any service to the states, is now desirous of returning to Europe if he can obtain a supply of money to prosecute his voyage; Whereupon,

*Resolved*, That 12 months' pay as major be advanced to Mons. de Bois, to defray the expense of his voyage to France; and that he be no longer considered as an officer in the service of the United States.

The committee on the treasury, to whom was re-committed their report of the 19th of December on the memorial of capt. John Sutton, having reconsidered the said memorial, and been attended by captain Sutton with his proofs, report,

That the committee are fully satisfied of the truth of the said memorial, and that the money mentioned in the said memorial, viz. 956 75-90 dollars, due to the commissary's department, being a balance in his hands for the time he acted in that department for the 1st Virginia regiment; and 3844 11-90 dollars in his hands as pay-master to the said regiment, was stolen from his tent without any negligence or default on his part: that on the contrary it appears that he used all the precaution in his power for its safe custody: that he took pains and offered to settle his accounts: that he applied for a guard to watch his tent, which was not granted: that he removed the money with him when he went abroad in the day into the tents of officers of the army who were his friends: that he entreated the deputy pay-master general to suffer it to be lodged in the military-chest, which was refused, because there was no room for it; and, lastly, that the proof of the theft is clear and satisfactory; Whereupon,

*Resolved*, That two certain sums of 956 75-90 dollars, and 3844 11-90 dollars, stolen from capt. John Sutton, pay-master of the 1st Virginia regiment, be allowed and passed to his credit on the settlement of his public accounts.

On motion by the committee appointed to superintend the publication of the journals:

*Resolved*, That David C. Claypoole, be appointed to print for Congress.



## SATURDAY, April 10, 1779.

A report from the board of war, was read: Whereupon,

*Resolved*, That the proceedings of the court-martial held at Fort-Pitt, on col. Steel, deputy quarter-master general, be returned to the commander in chief; and that he be informed that the intention of Congress, by their order of the 20th of February last, referring the said proceedings to him, was that he should finally determine thereon, or direct such farther proceedings as he should think necessary.

## MONDAY, April 12, 1779.

Congress took into consideration a report from the committee on the treasury of the 5th; and, thereupon,

*Resolved*, That the three commissioners for destroying bills of credit to be taken out of circulation by order of Congress, be allowed on every 100 dollars so destroyed 2-90 parts of a dollar, to be equally divided between them.

The following gentlemen are nominated as proper persons to be appointed commissioners for destroying the bills to be taken out of circulation, viz. Andrew Doz, by Mr. Paca; John Shee, by Mr. Atlee; Hugh Montgomery, by Mr. Witherspoon.

Congress, by general consent, proceeded to an election; and the ballots being taken, Andrew Doz, John Shee, and Hugh Montgomery, were elected.

The committee on the treasury brought in a report: Whereupon,

*Resolved*, That the loan-office certificates which may issue for prizes of the 3d class of the lottery of the United States, shall bear an interest of six per cent. per annum, any resolution to the contrary notwithstanding.

*Resolved*, That the treasurer of loans be allowed three quarters of 1-90 of a dollar for every 100 dollars which he may receive to be destroyed, in full compensation of all charges for a clerk, office rent, fire-wood, stationary, and other contingent expenses.

On the question to agree to this resolution, the yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Vandyke,	ay	ay
<i>Mussa'setts-Bay</i> , Mr. S. Adams,	ay		<i>Maryland</i> ,	Mr. Carmichael,	ay	ay
	Gerry,	ay		Henry,	ay	ay
	Lovell,	ay		Mr. M. Smith,	no	
	Holten,	no	<i>Virginia</i> ,	R. H. Lee,	ay	ay
<i>Rhode-Island</i> , Mr. Collins,	no	no		Griffin,	ay	ay
<i>Connecticut</i> , Mr. Spencer,	ay	*	<i>North-Carolina</i> ,	Mr. Hill,	no	
<i>New-York</i> , Mr. Jay,	no	div.		Burke,	no	no
	Floyd,	ay	<i>South-Carolina</i> ,	Mr. Drayton,	ay	ay
<i>Pennsylvania</i> , Mr. Armstrong,	no					
	Atlee,	no				
	Muhlenberg,	ay				

So it was resolved in the affirmative.

## TUESDAY, April 13, 1779.

A letter, of this day, from gen. Lee, was read, representing that in a publication of this day, there is a paragraph respecting gen. Moultrie's having defended Fort-Sullivan against his, (gen. Lee's) judgment, which throws him into the disagreeable alternative of either silently sitting down under a charge which may make an impression on the minds of the people unfavorable to his conduct and capacity, or of justifying himself by a publication which at this juncture may be inexpedient; that if Congress will condescend to appoint a committee to hear what he has to say on that subject, he has no doubt of making his conduct appear satisfactory; but if that measure should be thought improper, then requesting that they will order the

letter of thanks, with which they honored him on the occasion, to be re-published: Whereupon,

*Resolved*, That the vote of thanks to major-general Lee, on account of his conduct on the 28th of June, 1776, be republished; and that Congress have no reason to alter their opinion of his conduct on that occasion.

On motion by Mr. R. H. Lee, seconded by Mr. Laurens,

*Resolved*, That the marine committee take such order, respecting retaining the continental ship-yards and workmen now in their employ, as they shall think most conducive to the public good.

The committee consisting of Mr. Armstrong, Mr. Nelson, Mr. Burke, Mr. Paca, and Mr. Morris, appointed to consider what farther measures are necessary for the defence of South-Carolina and Georgia, report,

"That the subjects of the most Christian king residing in South-Carolina, have offered to form a corps of volunteers for the defence of the said state, to be commanded by officers of their own nation; that the said offer is approved by the minister of France, and that the marquis of Britigny requests to be appointed to the command:" Whereupon,

*Resolved*, That Congress have a high sense of the offer made by the subjects of his most Christian majesty residing in South-Carolina, to incorporate themselves for the defence of the said state, and that the same be accepted.

*Resolved*, That the marquis of Britigny, who, from his generous sacrifices, from his great sufferings, and from his military abilities, is entitled to the regard of the United States, appears from his military talents, rank, and abilities, to be a proper person to command the said corps, and that he be accordingly recommended to the governor of South-Carolina.

*Resolved*, That the said corps, while embodied in actual service, be upon continental establishment of pay and rations.

*Resolved*, That the state of Virginia be requested to lend to the United States 1000 stand of arms, for the purpose of arming the forces destined for the defence of South-Carolina and Georgia; and that the board of war be ordered to replace the same without delay.

### WEDNESDAY, April 14, 1779.

The committee appointed to confer with the joint committee of the legislature and supreme executive council of Pennsylvania, reported, that the following resolution was offered by the said joint committee, in order that the sense of Congress might be taken thereon, viz.

*Resolved*, That the power granted to the executive authority of the states in the union by the resolve of the 21st of August, 1778, was an exclusive authority; and that the official or authoritative exercise thereof by any officer of the United States, or other person, is derogatory and dangerous to the interests of the states:

The same being taken into consideration, a substitute was moved by Mr. G. Morris, and seconded by Mr. S. Adams, as follows:

Whereas Congress, on the 21st day of August last, did resolve, that when any persons are desirous of going within the enemy's lines, they shall apply to the executive powers of the state to which they belong, and if the said executive powers approve the motives and characters of the persons applying, and shall be of opinion, especially at so critical conjunctures as the present, that no danger will ensue by granting such permission, that they recommend them to the officer commanding the troops next to the enemy, who, upon such recommendation, may, at his discretion, permit the persons to go in.

For the better execution of the said resolution,

*Resolved*, That any officer who shall permit a person to go within the enemy's lines, without such recommendation, or the orders of the commander in

chief, or the commander of a separate department, and shall thereof be duly convicted before a court-martial, shall thereby forfeit his commission.

On the question to agree to this as a substitute, the yeas and nays being required by Mr. Morris,

Resolved in the affirmative, every member answering ay.

A motion was then made by Mr. Burke, seconded by Mr. Armstrong, after "or the orders," to insert the words "or authority :"

On which the yeas and nays being required by Mr. Burke,

<i>New-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}	no
	Frost,				Shippen,		
<i>Massachusetts-Bay</i> , Mr. S. Adams,	no	}	no		Atlee,		
	Lovell,				Searle,		
	Holten,				Muhlenberg,		
<i>Rhode-Island</i> , Mr. Ellery,	no	}	no		Wynkoop,		
	Collins,			<i>Delaware</i> , Mr. Vandyke,	no	}	no
<i>Connecticut</i> , Mr. Spencer,	no	}	*	<i>Maryland</i> , Mr. Plater,	no		
<i>New-York</i> , Mr. Jay,	no				Henry,	}	no
	Floyd,	}	no	<i>Virginia</i> , Mr. T. Adams,	no		
	Lewis,				F. L. Lee,	}	no
<i>New-Jersey</i> , Mr. Fell,	no	}	*		R. H. Lee,		
					Griffin,	}	ay
				<i>N.-Carolina</i> , Mr. Penn,	ay		
					Burke,	}	ay
				<i>S.-Carolina</i> , Mr. Laurens,	no		

So it passed in the negative.

On the question to agree to the substitute as a resolution : resolved in the affirmative.

A letter, of the 12th, from gen. Washington, was read, enclosing a letter to him from major Harnage, in behalf of himself and captain Hawker, both of the 62d British regiment, requesting permission for himself and his family, with capt. Hawker, to go by way, of Rhode-Island to New-York, and from thence by water to Fredericksburgh, or any town nearest to Charlottesville, to join the troops of the convention : also enclosing the proceedings of the court-martial held by order of Congress, upon the officers of the elaboratory, and deputy quarter-master at Springfield ; Whereupon,

*Resolved*, That gen. Washington be informed that Congress cannot agree to major Harnage and capt. Hawker's going to Virginia in the way proposed and requested, but have no objection to their remaining where they are.

*Ordered*, That the proceedings of the court-martial be returned to the commander in chief, and that he take such order thereon as he shall judge proper.

It being represented to Congress that the general assembly of the state of Massachusetts-Bay, have authorized and directed the board of war of the said state, to purchase flour and grain for the use of the inhabitants thereof, who are greatly distressed by the want of bread :

*Resolved*, That it be, and hereby is, recommended to the executive powers of the states of Virginia, Maryland, Delaware, Pennsylvania, New-Jersey, and New-York, to permit the exportation of such flour and grain as has been or may be purchased within the said states respectively, under the direction of the said board of war, if authorized as aforesaid.

A motion was made by Mr. G. Morris, and seconded by Mr. Burke, in the words following :

Whereas the subsistence money allowed to the officers of the United States, by a resolution of the 2d day of June last, hath become insufficient for their support, by the rapid increase of the prices of the necessaries of life ; therefore,

*Resolved*, That it be recommended to the several legislatures to make provision for supplying the officers of their states respectively with the arti-

cles at the rates following, viz. West-India rum two-thirds of a dollar per gallon, Muscovado sugar at half a dollar per pound, coffee at half a dollar per pound, tea at one dollar and two-thirds per pound, and chocolate at half a dollar per pound; and that an agent be appointed to supply the officers not belonging to any particular state at and after the same rates, at the expense of the United States, according to such rules and regulations as the commander in chief shall frame and direct."

On motion of Mr. Ellery, seconded by Mr. S. Adams, that the consideration thereof be postponed till to-morrow.

The yeas and nays being required by Mr. G. Morris,

<i>N.-Hampshire,</i> Mr. Whipple,	no	>no	<i>Delaware,</i> Mr. Vandyke,	no	>no
<i>Mass'-ts-Bay,</i> Mr. S. Adams,	ay		<i>Maryland,</i> Mr. Plater,	no	
	Lovell	ay		Paca,	no
	Gerry,	ay		Carmichael,	no
	Holten,	ay		Henry,	ay
<i>Rhode-Island,</i> Mr. Ellery,	ay	ay	<i>Virginia,</i> Mr. T. Adams,	no	
	Collins,	ay		F. L. Lee,	ay
<i>Connecticut,</i> Mr. Spencer,	ay	*		Smith,	ay
<i>New-York,</i> Mr. Jay,	ay			R. H. Lee,	no
	Duane,	no		Griffin,	no
	Morris,	no		Nelson,	no
	Floyd,	no	<i>N.-Carolina,</i> Mr. Penn,	no	
	Lewis,	no		Burke,	no
<i>Pennsylvania,</i> Mr. Armstrong,	ay		<i>S.-Carolina,</i> Mr. Laurens,	no	
	Shippen,	ay		Drayton,	no
	Atlee,	no			
	Searle,	ay			
	Muhlenberg,	ay			
	Wynkoop,	no			

So it passed in the negative.

After debate, on motion of Mr. Holten, seconded by Mr. S. Adams,

*Resolved,* That it be referred to the committee appointed to confer with the commander in chief.

*Resolved,* That Dr. Joseph Gardner be appointed a signer of the continental bills of credit.

#### THURSDAY, April 15, 1779.

Mr. William Sharpe, a delegate from North-Carolina, attended, and produced the credentials of his appointment, which were read.

Congress took into consideration the report of the committee consisting of Mr. Whipple, Mr. Gerry, Mr. Ellery, Mr. Ellsworth, Mr. Duane, Mr. Fell, Mr. Searle, Mr. M'Kean, Mr. Paca, Mr. M. Smith, Mr. Burke, Mr. Laurens, Mr. Langworthy, being a member from each state, appointed to take into consideration the foreign affairs of these United States, and also the conduct of the late and present commissioners of these states, wherein the committee report,

"1st. That it appears to them that Dr. Franklin is plenipotentiary for these states at the court of France, Dr. A. Lee, commissioner for the court of Spain, Mr. William Lee, commissioner for the courts of Vienna and Berlin, Mr. R. Izard, commissioner for the court of Tuscany: that Mr. J. Adams was appointed one of the commissioners at the court of France in the place of Mr. Deane, who had been appointed a joint commissioner with Dr. Franklin, and Dr. A. Lee, but that the said commission of Mr. Adams is superseded by the plenipotentiary commission to Dr. Franklin.

2d. That it is the opinion of the committee that ministers plenipotentiary for these states are only necessary, for the present, at the courts of Versailles and Madrid.

3d. That in the course of their examination and enquiry, they find many complaints against the said commissioners, and the political and commer-

cial agency of Mr. Deane ; which complaints, with the evidence in support thereof, are herewith delivered, and to which the committee beg leave to refer.

4th. That suspicions and animosities have arisen among the said commissioners which may be highly prejudicial to the honor and interests of these United States.

5th. That the appointments of the said commissioners be vacated, and that new appointments be made.

6th. That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

7th. That no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other public office.

8th. That no person be appointed plenipotentiary minister or commissioner for these United States, who is not a citizen thereof, and who has not a fixed and permanent interest therein.

9th. That fit and proper persons be appointed to settle and adjust Mr. Deane's public accounts, and the public accounts of all other persons who have transacted the commercial affairs of these states in France.

10th. That each of the plenipotentiaries, ministers, and commissioners, who now is, or has been, or may be appointed, be allowed at the rate of per annum."

The house having, on former days, when the report was under debate, agreed to the first and second articles thereof ; and having also read the third article and the papers therein referred to, a motion was this day made by Mr. G. Morris, and seconded by Mr. Drayton,

"That the members of this house who may have any papers or evidence in their possession relative to the said report, do lay the same on the table."

On the question put, resolved in the affirmative.

Congress proceeded to consider the fourth article in the report, when a motion was made by Mr. Smith, and seconded by Mr. Carnichael, to strike out the words "which may be."

#### FRIDAY, *April 16, 1779.*

The committee on the post-office having conferred with the post-master, and other principal officers of that department, report,

That it will be proper to supply the post-master general immediately with 6967 1-3 dollars, to pay the debts due from the post-office for the quarter ending the 5th of this month :

That it will be proper to advance to the post-master, on account, the further sum of 5000 dollars, for the accruing expenses of his department, to the end that, dealing with ready money, he may be enabled to make the best bargains for the public :

That the present rate of postage be doubled :

That the annual salary of the post-master general for the future be 2000 dollars per annum :

That the surveyor's pay be increased from six dollars to 12 dollars per day each :

That the comptroller's salary be increased from 340 dollars to 680 dollars per annum :

*Resolved*, That Congress agree to the said report.

#### SATURDAY, *April 17, 1779.*

The delegates of South-Carolina, to whom was referred the letter of the 7th of March, from major-general Lincoln, brought in a report, which was taken into consideration, and thereupon Congress came to the following resolution :

Whereas it appears from the report of the committee appointed to confer with major Mead, aid-de-camp to major-gen. Lincoln, commanding officer in the southern department, that he is in such an ill state of health as that his continuing longer in that warm climate may endanger his life:

*Resolved*, That the said major-gen. Lincoln be permitted to retire from the command of the southern army, and join the army under gen. Washington, that the public may avail itself of his services in a climate more suitable to his constitution when his health will admit of it.

*Resolved*, That so much of the said report as relates to the promotion of brigadiers to the rank of major-general, be referred to the board of war.

The board of war to whom was re-committed their report of the 12th, brought in a farther report: Whereupon,

*Resolved*, That the commander in chief be authorized and directed to take such measures for inlisting a competent number of wagoners, to continue in service for nine months or during the ensuing campaign, as shall by him be deemed most efficacious and proper:

That the wagoners so inlisted shall receive a sum not exceeding 40 dollars per month, and a suit of clothes as a bounty:

That such regulations shall be established by the quarter-master general for the conduct, mustering, and paying of the said corps of wagoners as shall be judged expedient and approved of by the commander in chief:

That all regulations made in virtue hereof, and the number of wagoners inlisted, be, from time to time, returned and reported by the quarter-master general to the board of war.

*Resolved*, That the act of Congress of the 16th of March, on the subject of inlisting wagoners, be, and the same is hereby repealed.

The following motion was made by the delegates of the state of Rhode-Island:

"Whereas the delegates of the state of Rhode-Island and Providence Plantations have, in pursuance of a direction from said state, represented to Congress that the legislature thereof have found it absolutely necessary to endeavor to raise a brigade of 1500 men, officers included, for one year, for the common defence of that and the United States, and have accordingly offered a bounty of £ 45, the same clothing allowed continental troops, and an addition of six pounds per month to their wages, for their better subsistence: and have requested that the same should be furnished and defrayed by the continent.

*Resolved*, That Congress approve the raising of a brigade of 1500 men by the state of Rhode-Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, upon the conditions set forth in the said representation; and that the bounty, pay, clothing and subsistence of said brigade, shall be supplied and furnished at continental expense."

A motion was made by Mr. Morris, seconded by Mr. Henry, that the same be committed.

Question put, passed in the negative.

A motion was then made by Mr. Morris, seconded by Mr. Henry, that the consideration thereof be postponed.

After debate, it was moved by Mr. Morris, and seconded by Mr. Smith, to add to the motion for postponing, the following words, "until the sense of the commander in chief can be had thereon:"

On which the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Connecticut</i> ,	Mr. Spencer,	no	} <sup>a</sup>
<i>Mass'-ts-Bay</i> , Mr. S. Adams,	no		<i>New-York</i> ,	Mr. Jay,	ay	
	Lovell,	no		Morris,	ay	} ay
	Holten,	no	<i>New-Jersey</i> ,	Mr. Witherspoon,	no	
<i>Rhode-Island</i> , Mr. Ellery,	no	} no		Fell,	ay	} div.
	Collins,		no			



<i>Pennsylvania</i> , Mr. Shippen,	no	} no	<i>N.-Carolina</i> , Mr. Penn,	ay	} no
	Muhlenberg,			Burke,	
<i>Delaware</i> , Mr. Vandyke,	no	} no		Sharpe,	} no
<i>Maryland</i> , Mr. Plater,	ay		<i>S.-Carolina</i> , Mr. Laurens,	no	
	Carmichael,	} div.		Drayton,	} no
<i>Virginia</i> , Mr. M. Smith,	ay				
	R. H. Lee,	} no			
	Griffin,				

So it passed in the negative.

On the question for postponing, the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Delaware</i> , Mr. Vandyke,	no	} no
<i>Massa'ette-Bay</i> , Mr. S. Adams,	no		<i>Maryland</i> , Mr. Plater,	ay	
	Lovell,	} no		Carmichael,	} ay
	Holten,			Henry,	
<i>Rhode-Island</i> , Mr. Ellery,	no	} no	<i>Virginia</i> , Mr. M. Smith,	ay	} ay
	Collins,			R. H. Lee,	
<i>Connecticut</i> , Mr. Spencer,	no	} *		Griffin,	} ay
<i>New-York</i> , Mr. Jay,	ay			Nelson,	
	Morris,	} ay	<i>N.-Carolina</i> , Mr. Penn,	ay	} no
<i>New-Jersey</i> , Mr. Witherspoon,	no			Burke,	
	Fell,	} div.		Sharpe,	} no
<i>Pennsylvania</i> , Mr. Shippen,	no		<i>S.-Carolina</i> , Mr. Laurens,	no	
	Muhlenberg,	} no		Drayton,	} no

So it passed in the negative.

A motion was made by Mr. Burke, and seconded by Mr. S. Adams, to strike out the words, "upon the conditions set forth in the said representation, and that the bounty, pay, clothing and subsistence of the said brigade shall be supplied and furnished at continental expense;" and in lieu thereof to insert, "to be entitled to continental pay, clothing and subsistence, and a bounty not exceeding 200 dollars for every non-commissioned officer and soldier."

When the question was about to be put, shall the words moved to be struck out stand?

The determination thereof was postponed by the state of New-York.

### MONDAY, April 19, 1779.

A letter, of the 16th, from capt. Stoddard, was read, desiring leave to resign his commission:

*Resolved*, That his resignation be accepted.

A memorial from the chevalier Sureau du Vivier, was read, representing that he had been nominated by the general assembly of North-Carolina, major of a French regiment proposed to be raised in that state and commanded by col. Chariol: that the impossibility of procuring men to enlist induced the said assembly to dissolve the regiment: that the governor, well satisfied with his conduct, gave him a recommendation to the honorable Congress to be employed as major in the continental army: that having expended his money he returned to Guadaloupe for a fresh supply, and is now returned, and praying that he be continued a major in the continental army, or have an allowance for his expenses, and a brevet of lieutenant-colonel:

On motion by Mr. Morris, seconded by Mr. Burke,

*Resolved*, That the chevalier Sureau du Vivier be informed that Congress cannot agree to his request.

A letter, of the 2d, from major-general Schuyler, was read, renewing his request for leave to resign:

On motion by Mr. S. Adams, seconded by Mr. Whitherspoon,

*Resolved*, That his request be complied with.

A letter, of the 15th, from the board of war, was read; Whereupon,

*Resolved*, That whensoever a colonel in the army of the United States,

shall command a brigade of the troops of these states in the absence of a brigadier, he shall be permitted to draw six rations in addition to the one he draws as colonel, in consideration of the extra expense he is subjected to by such command.

The determination of the question which was on Saturday postponed in right of a state, was called for :

On motion of Mr. G. Morris, seconded by Mr. S. Adams,

*Resolved*, That when a question is postponed in right of a state, it shall be put at the next meeting of the house immediately after going through the public despatches, without debate, provided such meeting shall not be on the same day.

The question being put, shall the words moved to be struck out stand? passed in the negative.

A motion was made to amend the amendment proposed to be inserted, by striking out the words "200."

Question put, shall these words stand? passed in the negative.

On motion of Mr. S. Adams, seconded by Mr. Whipple, to insert "150 dollars;" the yeas and nays being required by Mr. Morris,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	no	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay		Atlee,	no	
Gerry,	no		Searle,	ay	no
Lovell,	ay	ay	Muhlenberg,	no	
Holten,	ay		<i>Maryland</i> , Mr. Plater,	no	no
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay	Carmichael,	no	
Collins,	ay	ay	<i>Virginia</i> , Mr. T. Adams,	ay	
<i>Connecticut</i> , Mr. Spencer,	ay	*	M. Smith,	no	div.
<i>New-York</i> , Mr. Jay,	no		Griffin,	no	
Duane,	no	no	Nelson,	ay	
G. Morris,	no		<i>N.-Carolina</i> , Mr. Burke,	ay	ay
Lewis,	no		Sharpe,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	div.	<i>S.-Carolina</i> , Mr. Laurens,	ay	ay
Fell,	no				

So it was resolved in the affirmative.

On the question to agree to the amendment as amended : resolved in the affirmative.

A motion was made by Mr. Morris, and seconded by Mr. Smith, to amend the main question farther, by striking out the words, "that Congress approve the raising of a brigade of 1500 men by the state of Rhode-Island and Providence Plantations;" and in lieu thereof, to insert, "that the men who may be raised by the state of Rhode-Island, in addition to their quota of continental troops, to serve."

On the question, shall the words moved to be struck out, stand? the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay		Atlee,	no	div.
Gerry,	ay	ay	Searle,	ay	
Lovell,	ay		Muhlenberg,	no	
Holten,	ay		<i>Maryland</i> , Mr. Plater,	ay	div.
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay	Carmichael,	no	
Collins,	ay	ay	<i>Virginia</i> , Mr. T. Adams,	no	
<i>Connecticut</i> , Mr. Spencer,	ay	*	Smith,	no	no
<i>New-York</i> , Mr. Jay,	no		Griffin,	no	
Duane,	no	no	Nelson,	no	
Morris,	no		<i>N.-Carolina</i> , Mr. Burke,	ay	ay
Lewis,	no		Sharpe,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no	no	<i>S.-Carolina</i> , Mr. Laurens,	ay	ay
Fell,	no				

So it was resolved in the affirmative.

Another amendment was moved by Mr. G. Morris, seconded by Mr. Duane, to add to the main question as amended, the following words :

"Upon condition that no farther or other wages be allowed to the said men by the said state than what is paid to other continental troops."

TUESDAY, *April 20, 1779.*

A motion was made by Mr. Drayton, seconded by Mr. G. Morris, That the house proceed to the order of the day upon the report of the committee of 13 upon foreign affairs :

And upon the question, the yeas and nays being required by Mr. Drayton: resolved in the affirmative: thereupon,

Congress resumed the consideration of the amendment moved the 4th article of the report ; and on the question, shall the words "which may be," stand part of the report ?

The yeas and nays being required by Mr. Drayton,

<i>New-Hampshire</i> , Mr. Whipple,	no	} no	<i>Maryland</i> ,	Mr. Plater,	no	} no	
<i>Massa'ette-Bay</i> , Mr. S. Adams,	no				Paca,		no
	Gerry,	no	<i>Virginia</i> ,	Carmichael,	no		
	Lovell,	no		Mr. T. Adams,	no	} no	
	Holten,	no		Smith,	no		
<i>Rhode-Island</i> , Mr. Ellery,	ay	} div.		R. H. Lee,	no		
	Collins,			no	Griffin,		no
<i>Connecticut</i> , Mr. Spencer,	ay	} *	<i>N.-Carolina</i> ,	Nelson,	no	} no	
<i>New-York</i> , Mr. Jay,	no			Mr. Penn,	no		
	Duane,	no		Hill,	no		} no
	Morris,	no		Burke,	no		
	Floyd,	no	<i>S.-Carolina</i> ,	Sharpe,	no	} no	
	Lewis,	no		Mr. Laurens,	no		
<i>New-Jersey</i> , Mr. Fell,	no	} *		Drayton,	no		
<i>Pennsylvania</i> , Mr. Armstrong,	no						
	Shippen,	no					
	Atlee,	no					
	Searle,	no					
	Muhlenberg,	no					
	Wynkoop,	no					

So it passed in the negative, and the words were struck out.

A division was then called for by Mr. Gerry, and that the first question be to agree to the first part of the 4th article, viz. "that suspicions and animosities have arisen among the said commissioners."

A motion was then made by Mr. Duane, seconded by Mr. Gerry, to amend the clause by striking out the word "said ;" and in lieu thereof inserting "late and present."

On the question put, resolved in the affirmative.

A motion was made by Mr. Gerry, seconded by Mr. Muhlenberg, before the words "late and present," to insert "some of."

On the question put, the states were equally divided, and the amendment was lost.

A motion was made by Mr. R. H. Lee, seconded by Mr. Ellery, that the consideration of the 4th article be postponed until the 5th article is considered and determined on :

Question put, the states were equally divided.

A motion was made by Mr. Duane, seconded by Mr. Morris, to add the names of the commissioners, taking the sense of the house on each name to be added :

On the question, shall the names be added? resolved in the affirmative.

On the question, shall Dr. B. Franklin's name be inserted? resolved in the affirmative.

On the question, shall Mr. Silas Deane's name be added?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	ay	ay
	Gerry,	ay	ay		Carmichael,	ay	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	ay	
	Holten,	ay	ay		Smith,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	no		R. H. Lee,	ay	ay
	Collins,	no			Griffin,	ay	
<i>Connecticut,</i>	Mr. Spencer,	ay	*		Nelson,	ay	
<i>New-York,</i>	Mr. Jay,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Duane,	ay	ay		Hill,	ay	ay
	Morris,	ay			Burke,	ay	
	Floyd,	ay	ay		Sharpe,	ay	
	Lewis,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	ay
<i>Pennsylvania,</i>	Mr. Armstrong,	ay			Drayton,	ay	
	Shippen,	ay					
	Atlee,	ay	ay				
	Searle,	no					
	Muhlenberg,	ay					
	Wynkoop,	ay					

So it was resolved in the affirmative.

On the question, shall Mr. Arthur Lee's name be added ?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	ay	ay
	Gerry,	ay	ay		Carmichael,	ay	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	ay	
	Holten,	ay	ay		Smith,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	div.		R. H. Lee,	ay	ay
	Collins,	ay			Griffin,	ay	
<i>Connecticut,</i>	Mr. Spencer,	ay	*		Nelson,	ay	
<i>New-York,</i>	Mr. Jay,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Duane,	ay	ay		Hill,	ay	ay
	Morris,	ay			Burke,	ay	
	Floyd,	ay	ay		Sharpe,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	ay
	Shippen,	ay			Drayton,	ay	
	Atlee,	ay	ay				
	Searle,	no					
	Muhlenberg,	ay					
	Wynkoop,	ay					

So it was resolved in the affirmative.

On the question, shall Mr. Ralph Izard's name be added ?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	ay	ay
	Gerry,	ay	ay		Carmichael,	ay	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	ay	
	Holten,	ay	ay		Smith,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	div.		R. H. Lee,	ay	ay
	Collins,	ay			Griffin,	ay	
<i>Connecticut,</i>	Mr. Spencer,	ay	*		Nelson,	ay	
<i>New-York,</i>	Mr. Jay,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Duane,	ay	ay		Hill,	ay	ay
	Morris,	ay			Burke,	ay	
	Floyd,	ay	ay		Sharpe,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	ay
	Shippen,	ay			Drayton,	ay	
	Atlee,	ay	ay				
	Searle,	no					
	Muhlenberg,	ay					
	Wynkoop,	ay					

So it was resolved in the affirmative.

On the question, shall Mr. William Lee's name be added ?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	ay	ay
	Gerry,	ay	ay		Carmichael,	ay	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	ay	
	Holten,	ay			Smith,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	div.		R. H. Lee,	ay	ay
	Collins,	ay			Griffin,	ay	
<i>Connecticut,</i>	Mr. Spence,	ay	*		Nelson,	ay	
<i>New-York,</i>	Mr. Jay,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Duane,	ay	ay		Hill,	ay	ay
	Morris,	ay			Burke,	ay	
	Floyd,	ay			Sharpe,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	ay
	Shippen,	ay			Drayton,	ay	
	Atlee,	ay	ay				
	Searle,	no					
	Muhlenberg,	ay					
	Wynkoop,	ay					

So it was resolved in the affirmative.

On the question, shall Mr. John Adams's name be added?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	ay	ay
	Gerry,	no	div.		Carmichael,	ay	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	ay	
	Holten,	no			Smith,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	div.		R. H. Lee,	ay	ay
	Collins,	ay			Griffin,	no	
<i>Connecticut,</i>	Mr. Spencer,	ay	*		Nelson,	no	
<i>New-York,</i>	Mr. Jay,	no		<i>N.-Carolina,</i>	Mr. Penn,	no	
	Duane,	no	no		Hill,	ay	no
	Morris,	no			Burke,	no	
	Floyd,	no			Sharpe,	no	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	no
	Shippen,	ay			Drayton,	no	
	Atlee,	no	no				
	Searle,	no					
	Muhlenberg,	no					
	Wynkoop,	no					

So it passed in the negative.

The first clause being amended so as to read,

That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. Benjamin Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard, and Mr. William Lee; and the question being ready to be put, the previous question was moved by Mr. S. Adams, and seconded by Mr. Lovell,

That the question be not now put; on which the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Maryland,</i>	Mr. Plater,	no	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay			Paca,	no	no
	Gerry,	no	div.		Carmichael,	no	
	Lovell,	ay		<i>Virginia,</i>	Mr. T. Adams,	no	
	Holten,	no			Smith,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	div.		R. H. Lee,	ay	no
	Collins,	no			Griffin,	no	
<i>Connecticut,</i>	Mr. Spencer,	ay	*		Nelson,	no	
<i>New-York,</i>	Mr. Jay,	no		<i>N.-Carolina,</i>	Mr. Penn,	no	
	Duane,	no	no		Hill,	no	no
	Morris,	no			Burke,	no	
	Floyd,	no			Sharpe,	no	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	div.
	Shippen,	ay			Drayton,	no	
	Atlee,	no	ay				
	Searle,	ay					
	Muhlenberg,	ay					
	Wynkoop,	no					

So it passed in the negative.

The question being then put to agree to the first clause as amended, and the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Whipple,	no	no	<i>Maryland</i> , Mr. Plater,	ay	
<i>Mass'-Bay</i> , Mr. S. Adams,	ay		Paca,	ay	ay
Gerry,	ay	ay	Carmichael,	ay	
Lovell,	ay		Mr. T. Adams,	ay	
Holten,	ay		Smith,	ay	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay	R. H. Lee,	ay	
Collins,	ay		Griffin,	ay	
<i>Connecticut</i> , Mr. Spencer,	ay	*	Nelson,	ay	
<i>New-York</i> , Mr. Jay,	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	
Duane,	ay	ay	Hill,	ay	ay
Morris,	ay		Burke,	ay	
Floyd,	ay		Sharpe,	ay	
<i>Pennsylvania</i> , Mr. Armstrong,	no		<i>S.-Carolina</i> , Mr. Laurens,	ay	ay
Shippen,	ay		Drayton,	ay	
Atlee,	ay	ay			
Searle,	ay				
Muhlenberg,	ay				
Wynkoop,	ay				

So it was resolved in the affirmative.

The question was then put, to agree to the second clause, on which the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire</i> , Mr. Whipple,	no	no	<i>Maryland</i> , Mr. Plater,	ay	
<i>Mass'-Bay</i> , Mr. S. Adams,	no		Paca,	ay	ay
Gerry,	ay	div.	Carmichael,	ay	
Lovell,	no		Mr. T. Adams,	ay	
Holten,	ay		M. Smith,	ay	ay
<i>Rhode-Island</i> , Mr. Ellery,	no	div.	R. H. Lee,	ay	
Collins,	ay		Griffin,	ay	
<i>New-York</i> , Mr. Jay,	ay		Nelson,	ay	
Duane,	ay	ay	<i>N.-Carolina</i> , Mr. Penn,	ay	
Morris,	ay		Hill,	ay	ay
Floyd,	ay		Burke,	ay	
<i>Pennsylvania</i> , Mr. Armstrong,	no		Sharpe,	ay	
Shippen,	no		<i>S.-Carolina</i> , Mr. Laurens,	no	div.
Atlee,	ay	no	Drayton,	ay	
Searle,	no				
Muhlenberg,	no				
Wynkoop,	ay				

So it was *Resolved*, That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. B. Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard, and Mr. William Lee, highly prejudicial to the honor and interest of these United States.

WEDNESDAY, April 21, 1779.

Congress proceeded to consider the 5th article of the report of 13, on foreign affairs.

On motion of Mr. Ellery, and seconded by Mr. Henry,

*Resolved*, That the names of the ministers therein referred to be repeated, and the question taken on each individually.

THURSDAY, April 22, 1779.

The committee on the treasury reported, that, according to the order of the house, they have had the reports of the board relative to finance printed for the use of the members; and that, in the opinion of the board, the public business cannot be conducted under the present arrangement of the treasury, and that it is necessary the reports now submitted be taken into consideration as soon as possible.

On motion of Mr. Smith, seconded by Mr. Drayton,



**Resolved,** That Congress proceed in the order of the day on the report of the committee of thirteen upon foreign affairs.

Congress resumed the consideration of the 5th article in the report of thirteen on foreign affairs, and according to the order of yesterday, the first question debated was, shall Dr. B. Franklin, minister plenipotentiary at the court of France, be recalled? When the question was about to be put, the previous question was moved by Mr. Morris, and seconded by Mr. Drayton,

On which the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i> Mr. Whipple,	no	} no	<i>Delaware,</i> Mr. M'Kean,	no	} no
<i>Massa'etts-Bay,</i> Mr. S. Adams,	no		<i>Maryland,</i> Mr. Plater,	ay	
	Gerry,	ay		Paca,	no
	Lovell,	no		Carmichael	ay
	Holten,	no		Henry,	no
<i>Rhode-Island,</i> Mr. Ellery,	no	} div.	<i>Virginia,</i> Mr. T. Adams,	no	} no
	Collins,			Smith,	
<i>Connecticut,</i> Mr. Spencer,	no	} *		R. H. Lee,	no
<i>New-York,</i> Mr. Jay	ay			Griffin,	ay
	Duane,	ay		Nelson,	no
	Morris,	ay	<i>N.-Carolina,</i> Mr. Penn,	ay	} ay
	Floyd,	ay		Burke,	
	Lewis,	no		Sharpe,	ay
<i>New-Jersey,</i> Mr. Fell,	ay	} *	<i>S.-Carolina,</i> Mr. Laurens,	no	} div.
<i>Pennsylvania,</i> Mr. Armstrong,	no			Drayton,	
	Shippen,	no			
	Atlee,	no			
	Searle,	no			
	Muhlenberg,	no			
	Wynkoop,	ay			

So the previous question being lost, the main question was put; on which the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i> Mr. Whipple,	no	} no	<i>Delaware,</i> Mr. M'Kean,	no	} no
<i>Massa'etts-Bay,</i> Mr. S. Adams,	no		<i>Maryland,</i> Mr. Plater,	no	
	Gerry,	ay		Paca,	ay
	Lovell,	no		Carmichael,	no
	Holten,	no		Henry,	no
<i>Rhode-Island,</i> Mr. Ellery,	no	} no	<i>Virginia,</i> Mr. T. Adams,	no	} ay
	Collins			Smith,	
<i>Connecticut,</i> Mr. Spencer,	no	} *		R. H. Lee,	no
<i>New-York,</i> Mr. Jay,	no			Griffin,	ay
	Duane,	no		Nelson,	ay
	Morris,	ay	<i>N.-Carolina,</i> Mr. Penn,	ay	} ay
	Floyd,	no		Burke,	
	Lewis,	no		Sharpe,	no
<i>New Jersey,</i> Mr. Fell,	no	} *	<i>S.-Carolina,</i> Mr. Laurens,	no	} no
<i>Pennsylvania,</i> Mr. Armstrong,	no			Drayton,	
	Shippen,	no			
	Atlee,	no			
	Searle,	no			
	Muhlenberg,	no			
	Wynkoop,	no			

So it passed in the negative.

FRIDAY, April 23, 1779.

Mr. Dickinson, a delegate for Delaware, attended, and took his seat in Congress.

The committee, consisting of Mr. Ellery, Mr. Fell, and Mr. Laurens, to whom a memorial of sundry inhabitants of Bermudas was referred, report as follows:

"That they have examined the said memorial, and conversed with captain Albouy, the bearer thereof:

That it appears to your committee that the inhabitants of Bermuda are in deep distress for want of provisions: that the Virginia and Galatea ships of war are stationed at Bermuda: that it is garrisoned by British soldiers; and that it is not altogether certain that any provisions capt. Albouy may be per-

mitted to export will go to the relief of the Bermudians; therefore the committee are of opinion,

That so long as Bermuda shall continue to be guarded by British ships and garrisoned by British soldiers, how powerfully soever humanity may plead in their behalf, and the disposition of Congress incline them to relieve the distresses of Bermuda, yet sound policy and the duty they owe to their constituents, will constrain them to refuse a compliance with the request of the memorialists."

On the question to agree to the report of the committee, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Dickinson,	no	no
<i>Mass's-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Maryland</i> ,	Mr. Plater,	no	} no
Gerry,	ay			Paca,	no	
<i>Rhode-Island</i> , Mr. Ellery,	no			Carmichael,	no	
Collins,	ay	} ay	<i>Virginia</i> ,	Henry,	ay	} no
<i>Connecticut</i> , Mr. Spencer,	ay			Mr. T. Adams,	no	
<i>New-York</i> , Mr. Jay,	ay	} *		M. Smith,	no	
Duane,	no		<i>N.-Carolina</i> ,	R. H. Lee,	no	} no
G. Morris,	ay			Mr. Penn,	ay	
Lewis,	ay		<i>S.-Carolina</i> ,	Sharpe,	ay	} ay
<i>New-Jersey</i> , Mr. Fell,	ay	} *		Mr. Laurens,	no	
<i>Pennsylvania</i> , Mr. Armstrong,	no			Drayton,	no	} no
Atlee,	no					
Searle,	no					
Muhlenberg,	no					
Wynkoop,	no					

So the states were equally divided.

*Ordered*, That the report, with the memorial, be re-committed.

The committee, consisting of Mr. G. Morris, Mr. Whipple, Mr. Armstrong, appointed to superintend the commissary's and quarter-master's departments, to whom was referred the letter of the 22d, from general Greene, quarter-master general, brought in a report; Whereupon,

*Resolved*, That the quarter-master general be empowered and directed to employ so many wagoners as shall be necessary for the use of the army, upon the best terms on which they can be obtained, provided such terms are approved by the commander in chief.

Congress resumed the consideration of the resolution moved by the delegates of Rhode-Island, and in lieu of the amendment moved by Mr. Morris and Mr. Duane, viz. "upon condition that no farther or other wages be allowed to the said men by the said state, than what is paid to other the continental troops:"

A substitute was moved by Mr. Burke, and seconded by Mr. Whipple, in the following words:

"Provided, that the said state shall not augment the pay of the officers and soldiers of the said brigade, beyond the pay allowed to officers and soldiers in the continental army."

On the question to adopt the substitute in lieu of the amendment, the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Dickinson,	no	no
<i>Mass's-Bay</i> , Mr. S. Adams,	ay	} ay	<i>Maryland</i> ,	Mr. Plater,	no	} no
Lovell,	ay			Paca,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay			Henry,	no	
Collins,	ay	} ay	<i>Virginia</i> ,	Mr. T. Adams,	no	} no
<i>Connecticut</i> , Mr. Spencer,	ay			Smith,	no	
<i>New-York</i> , Mr. Jay,	ay	} *		R. H. Lee,	ay	
Morris,	no		<i>N.-Carolina</i> ,	Mr. Burke,	ay	} div.
<i>Pennsylvania</i> , Mr. Armstrong,	no			Sharpe,	no	
Atlee,	no		<i>S.-Carolina</i> ,	Mr. Laurens,	ay	} ay
Muhlenberg,	no	} no		Drayton,	ay	
Wynkoop,	ay					

So it passed in the negative.

A motion was made by Mr. Morris, seconded by Mr. Smith, to amend the amendment, by inserting ~~and~~ "state," these words, "whether by the name of pay, wages or subsistence, or in any other manner."

On which the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i> Mr. Whipple,	no	no	<i>Delaware,</i> Mr. Dickinson,	ay	ay	
<i>Massa'ette-Bay,</i> Mr. S. Adams,	no		<i>Maryland,</i> Mr. Plater,	ay		
	Lovell,	no		Paca,	no	ay
	Holten,	no		Henry,	ay	
<i>Rhode-Island,</i> Mr. Ellery,	no	no	<i>Virginia,</i> Mr. T. Adams,	no		
	Collins,	no		M. Smith,	ay	no
<i>Connecticut,</i> Mr. Spencer,	no	*		R. H. Lee,	no	
<i>New-York,</i> Mr. Jay,	ay	ay	<i>N.-Carolina,</i> Mr. Burke,	no	no	
	Morris,	ay		Sharpe,	no	
<i>Pennsylvania,</i> Mr. Armstrong,	ay		<i>S.-Carolina,</i> Mr. Laurens,	no	no	
	Atlee,	ay		Drayton,	no	
	Muhlenberg,	no				
	Wynkoop,	no				

So it passed in the negative.

On the question to agree to the amendment, the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay		
<i>Mass'str-Bay,</i>	Mr. S. Adams,	no	}	<i>Maryland,</i>	Mr. Plater,	ay	}		
	Lovell,	no		no		Paca,		ay	
	Holten,	no				Henry,		ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no		}	<i>Virginia,</i>	Mr. T. Adams,		ay	}
	Collins,	no	no			Smith,	ay		
<i>Connecticut,</i>	Mr. Spencer,	no	}		R. H. Lee,	no	}		
<i>New-York,</i>	Mr. Jay,	ay		*	<i>N.-Carolina,</i>	Mr. Burke,		no	}
	Morris,	ay	}		Sharpe,	no	}		
<i>Pennsylvania,</i>	Mr. Armstrong,	ay		}	<i>S.-Carolina,</i>	Mr. Laurens,		ay	}
	Atlee,	ay	div.			Drayton,	ay		
	Muhlenberg,	no							
	Wynkoop,	no							

So it was resolved in the affirmative.

A motion was made by Mr. Morris, seconded by Mr. Smith, to add "and provided that the continental battalions of the said state be first completed."

On which the yeas and nays being required by Mr. Morris,

<i>New-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Delaware,</i>	Mr. Dickinson,	no	}	no		
<i>Massa'etts-Bay,</i>	Mr. S. Adams,	no			<i>Maryland,</i>	Mr. Plater,	ay				
	Lovell,	no				Paca,	no			}	ay
	Holten,	no				Henry,	ay				
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no	<i>Virginia,</i>	Mr. T. Adams,	no	}	no		
	Collins,	no				Smith,	ay				
<i>Connecticut,</i>	Mr. Spencer,	no	}	*		R. H. Lee,	no				
<i>New-York,</i>	Mr. Jay,	ay				<i>N.-Carolina,</i>	Mr. Penn,	ay	}	no	
	Morris,	ay			Burke,	no					
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	}	no		Sharpe,	no	}			div.
	Shippen,	no			<i>S.-Carolina,</i>	Mr. Laurens,	no				
	Muhlenberg,	no				Drayton,	ay				
	Wynkoop,	no									

So it passed in the negative.

MONDAY, April 26, 1779.

Mr. Scudder, a delegate from New-Jersey, attended, and took his seat.

On motion of Mr. G. Morris, seconded by Mr. Searle,

*Resolved*, That the marine committee be directed to purchase the vessel called the Jason, lately captured and carried into Boston.

TUESDAY, April 27, 1779.

Mr. Sherman, a delegate from Connecticut, attended, and delivered a re-

solution of the general assembly of that state, respecting the powers of their delegates, which was read as follows :

" At a general assembly of the governor and company of the state of Connecticut, holden at Hartford, by special order of his excellency the governor, on the 7th day of April, 1779 : Resolved by this assembly, that any one of the delegates of this state in Congress be, and is hereby fully authorized, in the absence of the others, to represent this state, until the articles of confederation are fully ratified, so as to be made the rule of proceeding in Congress.

A true copy of record, examined by

GEORGE WYLLYS, *Secretary.*"

Mr. Jenifer, a delegate of Maryland, attended, and took his seat in Congress.

The board of treasury having reported, that an additional auditor should be appointed for the army, and recommended capt. Joseph Howell to that office ; and that the pay of the several auditors of the army be increased to eight dollars a day :

On the question, *Resolved*, That an additional auditor be appointed for the army ;

Congress proceeded to the election : and the ballots being taken, captain Joseph Howell was elected.

On the question to agree, that the pay of the several auditors of the army be increased to eight dollars a day, the yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Maryland</i> ,	Mr. Plater,	ay	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay			Paca,	ay	
	Lovell,	ay		Carmichael,	ay	ay
	Holten,	no		Jenifer,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	no	<i>Virginia</i> ,	Mr. T. Adams,	no	
<i>Connecticut</i> , Mr. Sherman,	ay	div.		Smith,	no	
	Spencer,	no		R. H. Lee,	ay	div.
<i>New-York</i> , Mr. Jay,	no			Griffin,	ay	
	Morris,	ay	<i>N.-Carolina</i> ,	Mr. Penn,	ay	ay
	Floyd,	ay		Burke,	ay	
	Lewis,	ay		Sharpe,	ay	
<i>New-Jersey</i> , Mr. Fell,	ay	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	div.
<i>Pennsylvania</i> , Mr. Armstrong,	ay			Drayton,	ay	
	Atlee,	ay				
	Searle,	ay				
	Muhlenberg,	ay				
	Wynkoop,	ay				

So it was resolved in the affirmative.

Whereas many accounts of expenditures for the public service in the state of New-York remain unsettled :

*Resolved*, That John Welles, Edward Chinn, and Eleazer Wales, esqrs. the commissioners of accounts for the northern department, be continued in their present office so long as the board of treasury shall think it expedient, notwithstanding the appointment of Mr. Welles as a commissioner of the chamber of accounts ; and that all such accounts as have arisen or shall arise within the said department, be adjusted by the said commissioners of accounts.

On motion of Mr. Morris, seconded by Mr. Burke,

*Resolved*, That when a motion is made to bring on or postpone any particular business, no member be allowed to speak more than once.

*Resolved*, That 4000 loan-office certificates of 1000 dollars each, of the same tenor and date as the last emission of such certificates, be struck and sent to the several commissioners of the continental loan-office, under the direction of the board of treasury ; and that as many certificates of the lower denominations already struck, as amount to 4,000,000 of dollars, be retained in the hands of the treasurer of loans until the further orders of Congress.

*Ordered*, That Mr. F. Lewis have leave of absence.

**Resolved,** That capt. John Helm be appointed one of the signers of the continental bills of credit.

The committee on the treasury report, "that information has been given to the board of treasury, that Alexander M'Kallister, the deputy-commissary of the hospital at the Yellow-Springs, has made a practice of exchanging the hospital stores, such as sugar, molasses, &c. for butter, poultry, and eggs, &c. for his own and the doctor's table; that he keeps a blooded horse in the guard house, and a mare and colt; and a hostler at his quarters and another at the hospital; that he entertains all people who come to the hospital with wine and toddy, alleging that he is allowed to do so by Congress or Dr. Shippen, the informant is not certain which; that those circumstances have given occasion to great clamors among the inhabitants in the neighborhood; that it is a convalescent hospital; that they have repaired the farmers' houses in the neighborhood for their own convenience at the public expense;" Whereupon,

**Ordered,** That the information from the committee on the treasury relative to Alexander M'Kallister, be referred to the medical committee; and that they take such measures for ascertaining the facts, and if properly supported, for bringing him to a trial, as they shall judge expedient.

### WEDNESDAY, April 28, 1779.

Mr. William Fleming, a delegate from Virginia, attended and produced the credentials of his appointment, which were read.

A letter, of the 27th, from J. Reed, president of the state of Pennsylvania, was read; Whereupon,

A motion was made by Mr. Drayton, seconded by Mr. Morris,

That the president make application to the president of the state of Pennsylvania, to desire that he will specify those "transactions respecting gen. Arnold, which are likely again to become the subject of discussions between Congress and the authority of the state," alluded to in his letter of the 27th, as information received through the delegates of that state; Congress not being acquainted with any such transactions on their part, and to assure the president that Congress, being disposed to preserve the most perfect harmony with the state of Pennsylvania, wish to avoid every transaction likely to become the subject of discussion with the state.

A motion was made by Mr. Paca, seconded by Mr. Armstrong, that the letter from Mr. President Reed be referred to the committee to whom was referred the letter from major-general Arnold.

On the motion for commitment, the yeas and nays being required by Mr. Drayton,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Armstrong,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adama,	ay			Atlee,	ay	
	Gerry,	ay	} ay		Searle,	ay	
	Lovell,	ay			Muhlenberg,	ay	
	Holten,	ay			Wynkoop,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} no	<i>Maryland,</i>	Mr. Plater,	ay	
	Collins,	no			Paca,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay		Carmichael,	ay	
	Spencer,	ay			Henry,	ay	
<i>New-York,</i>	Mr. Jay,	ay			Jenifer,	ay	
	Duane,	ay	} ay	<i>Virginia,</i>	Mr. T. Adams,	ay	
	Morris,	ay			Smith,	ay	
	Lewis,	ay			R. H. Lee,	ay	
<i>New-Jersey,</i>	Mr. Witherspoon,	ay			Griffin,	ay	
	Scudder,	ay	} ay		Fleming,	ay	
	Fell,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	
					Burke,	no	
					Sharpe,	no	
				<i>S.-Carolina,</i>	Mr. Laurens,	ay	
					Drayton,	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. Drayton, seconded by Mr. Griffin,

That the committee be instructed to make application to the president of the state of Pennsylvania, to desire that he will specify those "transactions respecting gen. Arnold," which "are likely again to become the subject of discussions between Congress and the authority of the state," alluded to in the president's letter of the 27th, as information received through the delegates of this state, Congress not being acquainted with any such transactions on their part, and to assure the president that Congress, being disposed to preserve the most perfect harmony with the state of Pennsylvania, wish to avoid every transaction likely to become the subject of discussion with the state.

When the question was about to be put, the previous question was moved by Mr. R. H. Lee, seconded by Mr. Sherman; and on the previous question, the yeas and nays being required by Mr. Drayton,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i> Mr. Armstrong,	ay	} ay
<i>Massachusetts-Bay,</i> Mr. S. Adams,	ay		Atlee,	ay	
Gerry,	ay	} ay	Searle,	ay	
Lovell,	ay		Muhlenberg,	ay	
Holten,	ay		Wynkoop,	ay	
<i>Rhode-Island,</i> Mr. Ellery,	ay	} ay	<i>Maryland,</i> Mr. Plater,	no	} ay
Collins,	ay		Paca,	ay	
<i>Connecticut,</i> Mr. Sherman,	ay	} ay	Carmichael,	ay	
Spencer,	ay		Henry,	ay	
<i>New-York,</i> Mr. Jay,	no	} div.	Jenifer,	no	} no
Duane,	ay		<i>Virginia,</i> Mr. T. Adams,	ay	
Morris,	no		Smith,	no	
Lewis,	ay		R. H. Lee,	ay	
<i>New-Jersey,</i> Mr. Witherspoon,	ay	} ay	Griffin,	no	} no
Scudder,	ay		Fleming,	no	
Fell,	ay		<i>N.-Carolina,</i> Mr. Burke,	no	} no
			Sharpe,	no	
			<i>S.-Carolina,</i> Mr. Laurens,	ay	} div.
			Drayton,	no	

So it was resolved in the affirmative, and the motion set aside.

On motion of Mr. Gerry,

*Resolved,* That the committee of commerce be directed to instruct the continental agent at Boston to obtain a division of the prize goods lately taken by the ships Warren, Queen of France and Ranger, and to retain such part as belongs to the United States for the disposition of the said committee.

FRIDAY, April 30, 1779.

The order of the day being read for proceeding to the consideration of the report of the committee on foreign affairs; and the question under debate being stated, shall Arthur Lee, esq. commissioner of the United States at the court of Madrid, be recalled?

Mr. Paca arose, and informed the house, that he had important information on the subject of the said report, which he would communicate agreeable to the order of the house: he then proceeded to lay on the table a paper signed by himself and Mr. W. H. Drayton, containing intelligence respecting Arthur Lee, esq. which was read.

SATURDAY, May 1, 1779.

On motion of Mr. Drayton, seconded by Mr. Witherspoon,

*Resolved,* That the reasonable expenses of major-general Heath's table, during his separate command at Boston, be discharged by the public; and that the board of treasury take measures for liquidating and settling those accounts.



## MONDAY May 3, 1779.

Congress resumed the consideration of the report of the committee on foreign affairs; and the question under debate being stated, viz. shall Mr. Arthur Lee be recalled:

Mr. Carmichael arose, and informed the house, "that as the committee appointed by Congress to examine into the state of their foreign affairs, have thought proper to refer to him for information on the charges reported by them against some of the public servants abroad, and as some gentlemen have expressed a desire he should reduce to writing the information he gave the house in his place when those charges were read, he was induced to indulge their wishes, as well to shew more explicitly the reasons which determine his voice on the decision of a question on which he thinks the honor and interest of the United States highly depend;" he then proceeded to lay on the table a paper signed by him, which, with sundry papers therein referred to, was read.

On the question, shall Mr. Arthur Lee be recalled?

The yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Whipple,	no	>no	<i>Delaware</i> ,	Mr. Dickinson,	ay	} div.
<i>Massa'ette-Bay</i> , Mr. S. Adams,	no	} no		Vandyke,	no	
Gerry,	ay		<i>Maryland</i> ,	Mr. Paca,	ay	} ay
Lovell	no			Carmichael,	ay	
Holten,	no			Henry,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} div.	<i>Virginia</i> ,	Jenifer,	no	
Collins,	ay			Mr. Smith,	ay	} ay
<i>Connecticut</i> , Mr. Sherman	no	} no		R. H. Lee, excus.		
Spencer,	no			Griffin,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay	<i>N.-Carolina</i> ,	Fleming,	ay	
Duane,	ay			Mr. Penn,	ay	} ay
Morris,	ay			Burke,	ay	
Floyd,	ay			Sharpe,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no	} no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	} div.
Scudder,	no			Drayton,	ay	
Fell,	ay	} div.				
<i>Pennsylvania</i> , Mr. Armstrong,	no					
Shippen,	no					
Atlee,	ay					
Searle,	no					
Muhlenberg,	ay					
Wynkoop,	ay					

So the states were equally divided.

## TUESDAY, May 4, 1779.

A letter from his most Christian majesty, undersigned de Vergennes, was read, informing Congress of the birth of a princess; Whereupon,

*Resolved*, That the president, with a committee consisting of a member from each state, wait on the minister plenipotentiary of France and congratulate him on this event.

Congress took into consideration a report of the marine committee on a memorial of captain J. Wynkoop; and thereupon,

*Resolved*, That the memorialist be paid 60 dollars per month during the time he was in actual service.

*Resolved*, That a committee for Indian affairs be appointed, to consist of five: the members chosen, Mr. Duane, Mr. Armstrong, Mr. Burke, Mr. Laurens and Mr. Sherman.

Congress resumed the consideration of the resolution moved by the delegates of Rhode-Island, respecting the raising a brigade by the state of Rhode-Island, and the amendment as amended being read, viz. "that Congress approve the raising of a brigade of 1500 men by the state of Rhode-Island and Providence Plantations, for the common defence of that and the United

States, for the space of one year, to be entitled to continental pay, clothing and subsistence, and a bounty not exceeding 150 dollars for every non-commissioned officer and soldier; upon condition that no farther or other wages be allowed to the said men by the said state than what is paid to other continental troops."

A motion was made by Mr. Ellery, seconded by Mr. Collins, to re-consider the latter part of the amendment, viz. "upon condition," &c.

On which the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Delaware,</i>	Mr. Dickinson,	no	} no
<i>Mass'atts-Bay,</i>	Mr. S. Adams,	ay			Vandyke,	no	
	Lovell,	no	} ay	<i>Maryland,</i>	Mr. Plater,	no	} no
	Holten,	ay			Carmichael,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay		Henry,	no	
	Collins	ay			Jenifer,	no	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	no	} no
	Spencer,	ay			Griffin,	no	
<i>New-York,</i>	Mr. Jay,	no	} no		Fleming,	no	
	Duane,	no		<i>N.-Carolina,</i>	Mr. Penn,	no	} no
	Morris,	no			Burke,	no	
	Floyd,	no			Sharpe,	no	
<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no	<i>S.-Carolina,</i>	Mr. Laurens,	no	} no
	Scudder,	no			Drayton,	no	
<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no				
	Atlee,	no					
	Searle,	no					
	Muhlenberg,	no					
	Wynkoop,	no					

So it passed in the negative.

On the question to agree to the amendment, so as that it pass into a resolution; the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
<i>Mass'atts-Bay,</i>	Mr. S. Adams,	ay			Vandyke,	ay	
	Lovell,	ay	} ay	<i>Maryland,</i>	Mr. Plater,	no	} no
	Holten,	ay			Carmichael,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay		Henry,	no	
	Collins,	ay			Jenifer,	no	
<i>Connecticut,</i>	Mr. Spencer,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	no	} no
	Sherman,	ay			Griffin,	no	
<i>New-York,</i>	Mr. Jay,	no	} div.		Fleming,	no	
	Duane,	ay		<i>N.-Carolina,</i>	Mr. Penn,	no	} ay
	Morris,	no			Burke,	ay	
	Floyd,	ay			Sharpe,	ay	
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Scudder,	ay			Drayton,	ay	
	Fell,	no					
<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no				
	Atlee,	no					
	Searle,	no					
	Wynkoop,	ay					

So it was resolved in the affirmative.

### WEDNESDAY May 5, 1779.

Mr. Dickinson and Mr. Vandyke, two of the delegates of the state of Delaware, pursuant to the powers and instructions to them given, signed the articles of confederation in behalf of the said state.

The committee on the treasury brought in a report; Whereupon,

*Resolved,* That 10,000,100 dollars, in bills of credit of the United States, be emitted under the direction of the board of treasury and on the faith of the United States: that the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the first of April last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

45,455 bills of 60 dollars each,	2,727,300	45,455 bills of 8 dollars each,	363,640
45,455 do. 50	2,272,750	45,455 do. 7	318,185
45,455 do. 40	1,818,200	45,455 do. 5	227,275
45,455 do. 30	1,363,650		
45,455 do. 20	909,100		\$10,000,100

The committee on the treasury, to whom were referred the letters from Jonathan Trumbull, jun. administrator of the late commissary-general Joseph Trumbull, respecting the manner of settling the said accounts, report,

“That during the life time of the said commissary-general Trumbull, the commissioners of accounts for the middle department of accounts had orders from the board of treasury to settle all the accounts of the said late commissary :

That it was represented by the commissioners that the said accounts were not collected and ready for settlement :

That the commissary-general's death put an end to the prospect of such settlement, and the said commissioners of accounts have been directed to repair to the board of treasury :

That there has been no want of care or attention in the board of treasury to get the said accounts settled, as appears by an official report of the commissioners of accounts for the middle department of accounts, a copy of which is annexed :

That the committee are of opinion, that under the present circumstances it will be advisable to grant full power to Jonathan Trumbull, jun. to settle and adjust, at the public expense, all the accounts of the several deputy commissaries and purchasers employed by or under the late commissary Trumbull :” Whereupon, Congress came to the following resolutions :

Whereas the accounts of the deputy purchasing and issuing commissaries, under the late commissary-general Joseph Trumbull, deceased, were unsettled at the time of his death, and still remain to be adjusted, and it is necessary that those accounts should be closed without delay :

*Resolved*, That Jonathan Trumbull, jun. esq. be, and he is hereby fully authorized and empowered to settle and adjust the said accounts, under the direction of the board of treasury.

On the question to agree to this, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Dickinson,	ay	ay
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay			Vandyke,	ay	
	Lovell,	ay	<i>Maryland</i> ,	Mr. Plater,	no	
	Holten,	ay		Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Collins,	ay	ay		Henry,	ay	ay
<i>Connecticut</i> , Mr. Sherman,	ay			Jenifer,	ay	
	Spencer,	ay	<i>Virginia</i> ,	Mr. Smith,	ay	
<i>New-York</i> , Mr. Jay,	no			R. H. Lee,	ay	ay
	Duane,	ay		Fleming,	ay	
	Floyd,	ay	<i>N.-Carolina</i> ,	Mr. Burke,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	ay		Sharpe,	no	no
	Scudder,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	ay	ay
<i>Pennsylvania</i> , Mr. Armstrong,	no			Drayton,	ay	
	Muhlenberg,	ay				
	Wynkoop,	ay				

So it was resolved in the affirmative.

*Resolved*, That the said Jonathan Trumbull be allowed a clerk to assist him, and be paid his expenses and a reasonable compensation for his time and trouble, to be adjusted when the nature and extent of the services can be ascertained.

On this the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Connecticut</i> ,	Mr. Sherman,	ay	ay
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay			Spencer,	ay	
	Lovell,	ay	<i>New-York</i> ,	Mr. Jay,	no	
	Holten,	ay		Duane,	ay	ay
<i>Rhode-Island</i> , Mr. Collins,	no	no		Floyd,	ay	

<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay	<i>Virginia,</i>	Mr. M. Smith,	no	} ay
	Scudder,	ay			R. H. Lee,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	no	} ay		Fleming,	ay	} no
	Muhlenberg,	ay		<i>N.-Carolina,</i>	Mr. Burke,	no	
	Wynkoop,	ay	} ay		Sharpe,	no	} div.
<i>Delaware,</i>	Mr. Dickinson,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	
	Vandyke,	ay	} ay		Drayton,	no	} div.
<i>Maryland,</i>	Mr. Plater,	ay					
	Carmichael,	ay					
	Henry,	ay					
	Jenifer,	ay					

So it was resolved in the affirmative..

**Resolved,** That the said Jonathan Trumbull shall take an oath for the faithful execution of this duty, to be administered by the board of treasury :

And it is recommended to the legislatures of the several states whom it may concern, to enact proper laws for facilitating the settlement of the said accounts, and compelling accountants and defaulters within their respective jurisdiction to settle their accounts and do justice to the public.

FRIDAY, *May 7,* 1779.

A letter, of the 26th of April, from W. Green, governor of Rhode-Island, was read ; Whereupon,

**Resolved,** That a copy of the said letter be transmitted to the commander in chief, and that he take such order thereon as the necessities of the state of Rhode-Island may require and the good of the service admit.

**Resolved,** That it be, and it is hereby earnestly recommended to the states of New-Hampshire, Massachusetts-Bay and Connecticut, to furnish and keep up constantly in the state of Rhode-Island and Providence Plantations, their several quotas of troops as adjusted by the resolution of a committee from the said states and the state of New-York, which met at Springfield, in the state of Massachusetts-Bay, the 30th day of July, 1777.

A letter from William Adams, surgeon of the Pennsylvania artillery, was read, requesting leave to resign his commission on account of his ill state of health :

**Ordered,** That his resignation be accepted.

Congress took into consideration the report of the committee, consisting of Mr. Fell, Mr. Ellery, Mr. Laurens, to whom the memorial of divers inhabitants of the islands of Bermudas, dated the 28th of March, 1779, was re-committed ; wherein they represent, " that from a re-consideration of the deplorable circumstances of those unhappy persons, who are deprived, as it hath been represented to your committee, of the means of supplying themselves with bread, which are allowed to other inhabitants who openly profess their attachment to the enemies of these states, they are of opinion, that it be recommended to the executive powers of the states of Pennsylvania, Delaware, Maryland, Virginia and North-Carolina, respectively to permit 1000 bushels of Indian corn to be exported from each of the said states for the relief of the distressed inhabitants of those islands :"

To which a substitute was moved by Mr. Burke, seconded by Mr. Morris, in the following words :

That the memorialists be informed, that Congress deem it highly inexpedient to grant the prayer of their memorial.

On the question for adopting the substitute, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Connecticut,</i>	Mr. Sherman,	ay	} ay
<i>Mass'-ts-Bay,</i>	Mr. S. Adams,	ay			Spencer,	ay	
	Lovell,	no	} ay	<i>New-York,</i>	Mr. Jay,	no	} ay
	Hoken,	ay			Duane,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay		G. Morris,	ay	
	Collins,	ay			Floyd,	ay	

<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} div.	<i>Virginia,</i>	Mr. Smith,	ay	} ay
	Fell,	no			R. H. Lee,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no	<i>N.-Carolina,</i>	Fleming,	ay	} ay
	Shippen,	no			Mr. Burke,	ay	
	Searle,	no		<i>S.-Carolina,</i>	Sharpe,	ay	} div.
	Muhlenberg,	no			Mr. Laurens,	no	
	Wynkoop,	ay			Drayton,	ay	
<i>Delaware,</i>	Mr. Vandyke,	ay	} ay				
<i>Maryland,</i>	Mr. Plater	no					
	Carmichael	ay	} ay				
	Henry,	ay					
	Jenifer,	ay					

So the substitute was adopted.

On the question to agree to the substitute so as that it pass into a resolution; resolved in the affirmative.

The committee on the treasury brought in a report; Whereupon,

*Resolved,* That the claims of col. Johnson, for purchasing arms and clothing, ought to be settled agreeable to a resolution of Congress of the 4th of September last, and if no allowance has been made in the adjustment of his account with the auditors of the main army for expenses on business not incidental to his office, that they be directed to ascertain the time in which he was so employed, and make him an allowance accordingly: that no charges for expenses and services in recruiting his regiment other than what are authorized by resolutions of Congress, nor the difference in value between gold advanced in the year 1776 and bills of credit received for the same in the year 1778, as set forth in his petition to the honorable the council of Pennsylvania, can be admitted or allowed.

*Resolved,* That for the speedy supply of the money for exchanging the emissions of May 20, 1777, and April 11, 1778, bills of 70 and 80 dollars be struck in lieu of the denominations of 7 and 8 dollars, ordered by a resolution of Congress of the 14th of January 1779: that for this purpose, instead of 116,280 bills of the denominations of 20, 8, 7, 5, 4, 3, 2, 1, respectively, there shall be emitted, 31,427 bills, each of the denominations of 80, 70, 20, 5, 4, 3, 2, 1, which will reduce the sum ordered to be struck by the resolution aforesaid five dollars:

On the question to agree to this resolution, the yeas and nays being required by Mr. Jay,

<i>New-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Delaware,</i>	Mr. Vandyke,	ay	} ay
<i>Massachusetts-Bay,</i>	Mr. Gerry,	ay		<i>Maryland,</i>	Mr. Plater,	ay	
	Holten,	ay	} *		Carmichael,	ay	} ay
<i>Rhode-Island,</i>	Mr. Collins,	ay			Henry,	ay	
<i>Connecticut,</i>	Mr. Sherman,	no	} no		Jenifer,	ay	
	Spencer,	no		<i>Virginia,</i>	Mr. Smith,	no	
<i>New-York,</i>	Mr. Jay,	no	} ay		Griffin,	ay	} ay
	Duane,	ay			Fleming,	ay	
	Floyd,	ay		<i>N.-Carolina,</i>	Mr. Burke,	no	} no
<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay		Sharpe,	no	
	Fell,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	} no
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay		Drayton,	no	
	Shippen,	ay					
	Muhlenberg,	ay					
	Wynkoop,	ay					

So it was resolved in the affirmative.

The commissioners report,

That they have examined the account of major-general Howe, for his travelling expenses, with that of his suite, from Charleston, South-Carolina, to Philadelphia, and find it amounts to 6063 60-90 dollars, and that he has received of Benjamin Harrison, deputy pay-master general in Virginia, 1000 dollars, which leaves a balance of 5063 60-90 dollars, due to the said major-general Howe.

*Ordered*, That the same be paid.

On report of a committee, consisting of Mr. R. H. Lee, Mr. Burke and Mr. Laurens, to whom was referred a letter from the lieutenant-governor of South-Carolina :

*Resolved*, That the recruits lately raised and raising in Virginia, to complete the said state's quota of troops for the continental army, be ordered with all possible expedition to join the southern army in South-Carolina :

That colonel Bland's regiment of light dragoons be ordered to join the southern army as expeditiously as possible :

That the commanding officer of col. Baylor's regiment of light dragoons, be directed to order as many of the dismounted men of the said regiment as col. Bland has spare horses for, to join col. Bland without delay :

That the said commanding officer be directed to detach all the mounted and equipped men of the said regiment, under officers proportioned to the number of men, to join col. Bland's regiment, and proceed therewith to reinforce the southern army :

That the president write a letter to the governor of Virginia, requesting, in the name of Congress, that the new levies in Virginia may be furnished with the clothes promised them by law, as speedily as possible, and if this cannot be immediately done, that the state use its influence to induce the men to proceed, with satisfactory assurances that the clothing shall follow as soon as possible.

*Resolved*, That the state of North-Carolina be earnestly requested to complete its quota of troops in the most expeditious mode; and that the third, fourth, fifth and sixth continental regiments raised in that state, be employed in the southern army.

#### MONDAY, May 10, 1779.

A letter, of the 7th, from gen. Washington, was read, enclosing an extract of a letter from gen. Schuyler, with an account of col. Van Schaick's expedition against Onondaga; also a report by colonels Davies and Harrison of their conferences with the British commissioners on the subject of a cartel for the mutual exchange of prisoners :

*Resolved*, That the thanks of Congress be presented to col. Van Schaick, and the officers and soldiers under his command, for their activity and good conduct in the late expedition against the Onondagas.

*Resolved*, That Congress approve of the conduct of colonels Davies and Harrison, in the course of their conferences with the British commissioners on the subject of a cartel for the mutual exchange of prisoners.

*Ordered*, That the report of colonels Davies and Harrison to the commander in chief, of their conferences aforesaid, be published.

*Resolved*, That copies of the said report be transmitted to the American prisoners with the enemy; and that it be, and hereby is earnestly recommended to them to persevere in enduring their captivity with the magnanimity and patience by which they have hitherto been distinguished, and that they be assured of the constant endeavors of Congress to render their situation as convenient as the nature of things will admit.

A letter, of the 8th, from W. Livingston, governor of New-Jersey, was read, enclosing a representation of the legislative council and general assembly of the state of New-Jersey :

*Resolved*, That the president inform the governor of New-Jersey, that as soon as Congress shall have concluded their deliberations on certain affairs of great moment now before them, the circumstances of the army shall be duly considered, and due attention shall be paid to the subject matter of his letter and the paper therein enclosed.

*Ordered*, That the representation of the legislative council and general assembly of the state of New-Jersey be referred to the board of war.



*Ordered*, That a copy of the said letter be transmitted to the commander in chief, and that he consider himself at liberty so to direct the military operations of these states as shall appear to him most expedient.

**TUESDAY, May 11, 1779.**

A letter of this day, from brigadier du Portail, was read: Whereupon, Congress taking into consideration a report from the board of war, relative to the corps of sappers and miners,

*Resolved*, That the pay and subsistence of the engineers and of the officers and men of the companies of sappers and miners, shall be the same with those of officers of the like ranks and of the men in the artillery of these states:

That brigadier-general du Portail be appointed commandant of the corps of engineers and companies of sappers and miners.

Congress taking into consideration a report of the board of war, relative to the deputy commissaries of issues, and a report relative to the officers in the department of the quarter-master general:

*Resolved*, That the pay of 200 dollars per month be allowed to the deputy commissary-general of issues, to commence from the 1st day of January last:

That the assistant commissaries of issues at every magazine, post, or brigade of the army, be allowed 90 dollars per month, and the clerks of the commissary-general, and deputy commissary-general of issues, the sum of 80 dollars per month:

That the clerks of the brigade commissaries, and those at posts and magazines, be allowed 50 dollars per month; but no such clerk to be employed where the daily issues do not equal 400 rations:

That a clerk of the scales be allowed 35 dollars per month:

That every deputy commissary-general of issues be entitled to forage for two horses:

That every brigade commissary be entitled to forage for one horse; and whensoever the duty of the department requires the commissaries at posts and magazines to travel, the quarter-master at the post shall furnish a horse for the occasion:

When the deputy of an assistant commissary absolutely requires that he should travel, he shall be allowed three dollars for every day he shall so necessarily travel, for and towards his expenses on the journey:

That the deputy commissaries-general of issues shall once in six months visit all the magazines, posts and issuing stores in their respective districts, to examine the state of the provisions and stores, and see that their assistants are punctual in the discharge of their duty; and they shall be allowed three dollars per day for their travelling expenses in making such circuits:

That an accurate list of all the commissaries of issues be made out once in every three months and lodged with the board of war; and every such commissary who shall have been in the department for one year, previous to this date, and now continues therein, shall be entitled to draw out of the clothier-general's store one suit of clothes for himself and one suit for his clerk, to be paid for at the same rate that officers in the line are charged for the same: and that they continue annually to do the same until Congress shall order otherwise.

*Resolved*, That all deputy quarter-masters general who transact business upon commissions, shall not be entitled either to pay or rations; but where they act without receiving such commissions, whether stationed at a post or with the army, they shall be allowed 200 dollars per month, two rations per day, and 40 dollars per month subsistence:

That the pay of an assistant quarter-master be 140 dollars per month, and the usual rations and subsistence:

That the pay of a deputy wagon-master general be 100 dollars per month, and one ration per day, and 20 dollars per month subsistence; and that a wagon-master be allowed 80 dollars per month, one ration per day, and 10 dollars per month subsistence:

That a deputy commissary-general of forage attending the main army, or attached to an army in a separate department, be allowed the same pay and rations as a deputy quarter-master general acting without commissions:

That the assistant commissaries of forage either attending the army to collect forage on a march, or those employed in purchasing under the principal purchasers in districts, shall have the same allowance as the assistant deputy quarter-masters-general: and the forage-masters who attend the receipt and issues of forage at posts or magazines, and one with each brigade of the army, be allowed the same pay and rations as wagon-masters:

That all staff-officers who serve with the army shall be allowed clothing on the same conditions as officers in the line, provided they engage for a year or longer.

The committee, consisting of Mr. Root, Mr. Paca, and Mr. Henry, appointed to inquire into the state of the Pennsylvania troops, and to report whether an additional brigadier is wanting for the troops of that state, and to whom was referred a letter from Mr. President Reed to the delegates of the state of Pennsylvania, which was laid before Congress the 26th of January last, brought in a report, and the same being read:

*Resolved*, That an additional brigadier be appointed for the Pennsylvania troops, and that to-morrow be assigned for the appointment.

Colonel W. Irwine was nominated by the committee.

#### WEDNESDAY, *May* 12, 1779.

A letter, of the 7th, from the board of war, was read; Whereupon,

*Resolved*, That the resignation of lieutenant Vallance and ensign Brush, of colonel Warner's regiment, be accepted.

Congress proceeded to the election of a brigadier for the state of Pennsylvania; and the ballots being taken, Colonel William Irwine was elected.

#### THURSDAY, *May* 13, 1779.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That a copy of the letter of September the 22d, 1778, from Messrs. Franklin, Lee and Adams, late commissioners of the United States, together with a copy of the memorial from Jonathan Loring Austin, be transmitted to the honourable council of the state of Massachusetts-Bay, who are requested to make a proper allowance to Mr. Austin, for his time and expenses in carrying to France the account of the surrender of general Burgoyne's army at Saratoga, and to transmit an account thereof to the board of treasury, with information of the mode in which they desire a reimbursement of the said allowance.

The board of war, to whom was referred the application of Mons. Compty, report,

“ That Mons. Compty's authority from the marquis de Britigny, is to inlist for such a space of time as the French volunteers shall be kept up and no longer, any number of effective Frenchmen: that it appears the corps to be commanded by the marquis is merely temporary: that the expense of inlisting, equipping, and supporting the small number of Frenchmen that can be obtained here, and who must be sent to a considerable distance, will be great: that if the men should be inlisted for a length of time, Congress may be embarrassed after the dissolution of the temporary corps, which may happen on or before the arrival of the inlisted men at Carolina, either with ap-

plications for increasing the small number of enlisted men to a regiment, or in what manner to dispose of them : Whereupon,

*Resolved*, That considering the circumstances and distant situation of the corps, it is inexpedient to comply with Mons. Compy's request.

The board of war, to whom was referred the petition of captain John Baptist Allen, report,

" That they have carefully examined the same, together with the papers therein referred to, and are of opinion, that the petition of John Baptist Allen, who being a captain in col. J. Livingston's regiment, was cashiered by sentence of a general court-martial, and now prays to be reinstated in his post, be dismissed, as there are no sufficient reasons for the interference of Congress in the case :

*Resolved*, That Congress agree to the said report.

On the recommendation of the board of treasury,

*Resolved*, That Hampton Round and Cornelius Comyges be appointed signers of the bills of credit of the United States.

The board of war report,

" That they have taken into consideration the reference from Congress relative to a promotion of brigadier Moultrie, and are of opinion, that it would be inexpedient to promote brigadier Moultrie, unless a more general promotion took place, as some other states think themselves entitled to a promotion of their general officers ; but as it may excite uneasiness and difficulties unless a continental officer commands the army in the southern district, it will be best to make a special appointment of brigadier Moultrie, to be commandant of the southern army ;" Whereupon,

*Resolved*, That brigadier-general Moultrie be commander, in the absence of major-general Lincoln, of the southern army, during its continuance to the southward of North-Carolina, with the allowance of major-general on a separate command, until the further orders of Congress.

#### FRIDAY, May 14, 1779.

After reading the journal, Mr. M. Smith arose, and in his place informed the house, that he saw printed in a newspaper, entitled Royal Gazette, published in New-York by James Rivingston, a letter written by Henry Laurens, and directed to gov. Houston, of Georgia, which contained matter derogatory to the honor of Congress, injurious to the interest of the United States, and tending to destroy that confidence which the states should repose in this body ; and therefore he moved as a matter of privilege, that the said letter be read, and that Mr. Laurens be called on to declare whether he wrote that letter :

Objections were made to the said motion, as out of order, being contrary to the order of yesterday, " that after reading the journal this morning, the report on finance should be considered ;" but Mr. Smith insisting on his motion as a matter of privilege, the debate was proceeding on the question of order, when intelligence was communicated to the house in the words following :

" Extract of a letter from his excellency Thomas Johnson, esq. dated Annapolis, 12th of May, 1779, to colonel Henry Hollingsworth.

" Sir : Last night capt. Hanson, with whom capt. Plunket was going as a supercargo, put back to this place ; they inform they saw a frigate, a brig of about 14 or 16 guns, a small armed vessel or two, and two prizes in the bay. Hanson narrowly escaped being taken : capt. Jack Nicholson was drove on shore on or near Gwin's Island. Yesterday near the mouth of Patuxent they met with one Mr. Robinson in a boat from Choptank bound down the bay. Robinson told them that on Monday morning he spoke a schooner in the

mouth of Puankatank bound to sea, and chased in by a fleet of between 20 and 30 sail, among them several large ships: that she made this fleet off the Horse-shoe on Saturday morning, but it being hazy, they could not make out the exact number: that there were several sloops and schooners amongst them: we have yet heard nothing farther. I am, sir, your obedient servant,

THOMAS JOHNSON."

Whereupon, a motion was made by Mr. R. H. Lee, seconded by Mr. S. Adams, that the consideration of the question of order be postponed, until order be taken on the intelligence aforesaid.

On this question, the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	}	ay	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	ay	}			Paca,	ay	
	Gerry,	ay	}	ay		Carmichael,	ay	}
	Lovell,	ay	}			Henry,	ay	ay
	Holten,	ay	}			Jenifer,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay	<i>Virginia,</i>	Mr. Smith,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	}	ay		R. H. Lee,	ay	}
	Spencer,	ay	}			Griffin,	ay	ay
<i>New-York,</i>	Mr. Jay,	ay	}			Fleming,	ay	
	Duane,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Penn,	ay	}
	Floyd,	ay	}			Burke,	ay	ay
<i>New-Jersey,</i>	Mr. Scudder,	ay	}	ay		Sharpe,	ay	
	Fell,	ay	}		<i>S.-Carolina,</i>	Mr. Laurens,	ay	}
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	}			Drayton,	ay	ay
	Shippen,	ay	}					
	Atlee,	ay	}	ay				
	Searle,	ay	}					
	Muhlenberg,	ay	}					
	Wynkoop,	ay	}					

So it was resolved in the affirmative.

The intelligence being again read,

*Resolved,* That the said intelligence be committed to the board of war, and that they be directed to take measures to prevent any stores from falling into the hands of the enemy, should the fleet in the said intelligence mentioned, attempt a descent any where in the bay of Chesapeake or the rivers that empty therein: and that copies of the said letter be transmitted to the commander in chief, the president of Pennsylvania, and the governor of Delaware.

Congress resumed the consideration of the question under debate, and a division being called for by Mr. Duane,

On the question, is the motion of Mr. Smith for reading the letter referred to in his information, in order?

The yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Maryland,</i>	Mr. Plater,	ay	
<i>Massa'sts-Bay,</i>	Mr. S. Adams,	no	}			Carmichael,	ay	}
	Gerry,	no	}	no		Jenifer,	ay	ay
	Lovell,	no	}		<i>Virginia,</i>	Mr. Smith,	ay	
	Holten,	no	}			Lee,	no	}
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no		Griffin,	no	div.
<i>Connecticut,</i>	Mr. Sherman,	no	}	no		Fleming,	ay	
	Spencer,	no	}		<i>N.-Carolina,</i>	Mr. Penn,	ay	}
<i>New-York,</i>	Mr. Jay,	ay	}			Burke,	ay	ay
	Duane,	ay	}	ay		Sharpe,	ay	
	Floyd,	ay	}		<i>S.-Carolina,</i>	Mr. Laurens,	no	}
<i>New-Jersey,</i>	Mr. Scudder,	no	}	no		Drayton,	ay	div.
	Fell,	no	}					
<i>Pennsylvania,</i>	Mr. Armstrong,	no	}					
	Shippen,	no	}					
	Atlee,	ay	}	no				
	Searle,	no	}					
	Muhlenberg,	no	}					
	Wynkoop,	ay	}					

So it passed in the negative.

On the question, is that part of Mr. Smith's motion, "that Mr. Laurens be called on to declare whether he wrote that letter," in order?

The yeas and nays being required by Mr. Laurens: it passed in the negative, every member present answering no.

SATURDAY, *May 15, 1779.*

After reading the journal, Mr. Laurens arose, and with the leave of the house read in his place a paper which he delivered in, and which being read at the table, was ordered to be entered on the journal, and is as follows:

"Mr. President, the motion which was made yesterday by one of the honorable delegates from Virginia, for reading a presumed copy of a letter said to have been written by me, and printed in the garrison of the enemy on New-York island, and for calling upon me to declare whether I had written such a letter, appeared to me to be irregular, unprecedented, and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States: thence arose those cautions and admonitions which a sense of duty prompted me to offer to the house while the subject was under debate, and I rejoice in that wisdom which was displayed by the house in overruling the attempt.

Sir, had the gentleman who made the motion called on me, and in proper terms enquired whether the printed letter was a copy of an original address from me to governor Houston, I would have given him all the satisfaction that could have been desired by any man of true honor.

And now, sir, as, if I have been guilty of aught criminal, or have inadvertently expressed any thing amiss in my correspondence as a private citizen with Mr. Houston, I would rather receive a censure or a reproof from Congress than be charged with a want of candour, or commit my conduct to the whispers of malice. I take the liberty of informing Congress that I did, on the 27th of August last, write a private letter to governor Houston.

If the house shall judge it proper to determine by a vote that they may of right demand a copy of that private letter, and shall in consequence of such vote call on me, or if Congress shall be pleased by a vote to direct their president in writing to request me to lay before them a copy of that letter, I will, in either case, produce a genuine and true copy, reserving to myself in the mean time the privilege of voting, as I certainly should vote if I were not a party concerned.

I confide in the candor of the house to order this address to be entered on the journal, and if the house shall be pleased to call for, or request a copy of my letter, I shall expect that will also be entered on the journal. May 15th, 1779."

On the question for entering the above on the journal, the yeas and nays being required by Mr. Laurens, it was resolved in the affirmative; every member present answering ay.

Mr. Smith then moved, seconded by Mr. Penn,

That the sense of the house be expressed, whether the motion he made yesterday was an attempt irregular, unprecedented, and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States.

A motion was made by Mr. Burke, seconded by Mr. Griffin, as a substitute to the foregoing, in the words following:

"That, by the vote for entering on the journal the paper delivered in by Mr. Laurens, Congress did not mean to give any opinion on the suggestion therein contained, that the motion made by Mr. Smith was unprecedented and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States.

On the question, shall this be received as a substitute?



## The yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Maryland,</i> Mr. Plater,	no	} div.
<i>Mass'-Bay,</i> Mr. S. Adams	ay	} ay	Carmichael,	no	
Lovell,	ay		Henry,	ay	
Holten,	ay		Jenifer,	ay	} div.
<i>Rhode-Island,</i> Mr. Ellery,	ay	ay	<i>Virginia,</i> Mr. Smith,	no	
<i>Connecticut,</i> Mr. Sherman,	ay	ay	R. H. Lee,	ay	
Spencer,	ay	ay	Griffin,	ay	} no
<i>New-York,</i> Mr. Jay,	no	} no	Fleming,	no	
Duane,	no		<i>N.-Carolina,</i> Mr. Penn,	no	
Floyd,	ay		Burke,	ay	} no
<i>New-Jersey,</i> Mr. Scudder,	ay	*	Sharpe,	no	
<i>Pennsylvania,</i> Mr. Shippen,	ay	} ay	<i>S.-Carolina,</i> Mr. Laurens,	ay	
Atlee,	no		Drayton,	no	} div.
Searle,	ay				
Muhlenberg,	ay				

So it was resolved in the affirmative.

On the question to agree to the substitute as a resolution, resolved in the affirmative.

## MONDAY, May 17, 1779.

*Resolved,* That on every Monday, Wednesday, and Friday, immediately after the reading of the journal and despatches, the reports on finance be considered until a decision is obtained thereon, and that no other business shall on any of those days be taken up, unless by unanimous consent of the members.

The committee on the treasury brought in a report: Whereupon,

*Resolved,* That the auditors of the main army be authorized to establish a general rule for making allowances to recruiting officers for the incidental expenses of drums, fises, and cockades, reporting the same to the board of treasury.

The committee on the treasury having reported,

"That in obedience to the order of Congress they have referred the accounts of general count Pulaski's legion to the auditors of accounts for the main army: that for want of regularity in keeping those accounts and of proper vouchers, agreeably to the directions of Congress and the board of treasury, auditor Johnston has reported to them that it is impracticable to settle the said accounts, as appears from his report and remarks accompanying their report:"

*Resolved,* That the commanding officer of the detachment of the army serving in South-Carolina and Georgia, be authorized to appoint a pay-master for the said legion; and that captain Baldesqui, the present pay-master, be detained until he shall have produced competent vouchers, and settled the accounts of the said legion.

The board of war having reported on sundry matters referred to them:

*Resolved,* That the commissioners for Indian affairs in the northern department be directed to consult gen. Washington upon all treaties with the Indians, and to govern themselves by such instructions as he shall give them relative to any partial or general treaty of peace to be concluded with them.

*Resolved,* That the adjutant-general of the army of the United States, be allowed the same rations as a brigadier-general:

That he be permitted to engage two assistants and one clerk, the assistants to be taken from the line, and both they and the clerk to be approved of by the commander in chief:

That each assistant be allowed such an addition to his appointments as an officer in the line, as shall make the same equal to those of a lieutenant-colonel:

That the clerk be taken from the subalterns or volunteers in the army, and allowed pay and subsistence equal in the whole to those of a captain.

## TUESDAY, May 18, 1779.

A letter, of the 11th, from gen. Washington, was read, informing that brigadier M'Intosh is desirous of serving in the southern army, as the war is now in the state to which he belongs; and therefore recommending him as a



gentleman whose knowledge of service and of the country promises to render him useful ; Whereupon.

*Resolved*, That brigadier-general M'Intosh be permitted to repair to the southern army, and there act under the orders of the commanding officer in that department, until the farther orders of Congress or the commander in chief.

The committee, consisting of Mr. Scudder, Mr. Laurens, and Mr. Paca, to whom were referred sundry letters from Leonard Albouy and others, report,

"That being convinced, from a variety of concurrent testimony and circumstances, the distresses of the Bermudians are not exaggerated, and that any provisions which may arrive at their islands, will be faithfully and entirely applied to their use ; having also collected a number of important vouchers in proof of their warm attachment to these states, and being moreover assured by the minister of France, that his court will cordially acquiesce with any measures which the policy of Congress may adopt in behalf of those suffering islanders, they are of opinion that, notwithstanding the resolution of inexpediency of the 7th inst. some mode of immediate relief to that distressed people ought to be adopted, and therefore do earnestly recommend the following resolution :

*Resolved*, That it be recommended to the executive powers of the states of Pennsylvania, Delaware, Maryland, Virginia, and North-Carolina, respectively, to permit 1000 bushels of Indian corn, to be exported from each of the said states, for the relief of the distressed inhabitants of those islands ; and that it be required of the captains of any vessels on board which the said corn shall be laden, to return to the respective executive powers aforesaid, certificates of the delivery and faithful appropriation of the said provision, under the signature of at least two of the principal inhabitants of the said islands :"

A motion was made by Mr. Burke, seconded by Mr. Penn, to strike out the words, "and North-Carolina ;" and on the question, shall those words stand ?

The yeas and nays being required by Mr. Burke,

<i>Mass's-Bay</i> , Mr. Gerry,	no	}	<i>Maryland</i> , Mr. Plater,	ay	}	div.
Lovell,	ay		Carmichael,	ay		
Holten,	no		Henry,	no		
<i>Rhode-Island</i> , Mr. Collins,	no	}	Jenifer,	no	}	div.
<i>Connecticut</i> , Mr. Sherman,	ay		Mr. Smith,	ay		
Spencer,	no	}	R. H. Lee,	ay	}	ay
<i>New-York</i> , Mr. Jay,	ay		Griffin,	ay		
Floyd,	ay	}	<i>N.-Carolina</i> , Mr. Penn,	no	}	no
<i>New-Jersey</i> , Mr. Scudder,	ay		Burke,	no		
Fell,	ay	}	Sharpe,	no	}	no
<i>Pennsylvania</i> , Mr. Shippen,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay		
Atlee,	ay	}	Drayton,	ay	}	ay
Searle,	ay					
Wynkoop,	ay					

So it was resolved in the affirmative.

On the question to agree to the report, the yeas and nays being required by Mr. Penn,

<i>Mass's-Bay</i> , Mr. Gerry,	no	}	<i>Maryland</i> , Mr. Plater,	ay	}	no
Lovell,	ay		Carmichael,	no		
Holten,	no		Henry,	no		
<i>Rhode-Island</i> , Mr. Collins,	ay	}	Jenifer,	no	}	no
<i>Connecticut</i> , Mr. Sherman,	ay		Mr. Smith,	no		
Spencer,	ay	}	R. H. Lee,	ay	}	ay
<i>New-York</i> , Mr. Jay,	ay		Griffin,	ay		
Floyd,	ay	}	<i>N.-Carolina</i> , Mr. Penn,	no	}	no
<i>New-Jersey</i> , Mr. Scudder,	ay		Burke,	no		
Fell,	ay	}	Sharpe,	no	}	no
<i>Pennsylvania</i> , Mr. Shippen,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay		
Atlee,	ay	}	Drayton,	ay	}	ay
Searle,	ay					
Wynkoop,	ay					

So it was resolved in the affirmative.

Mr. Smith then arose, and with the leave of the house, read in his place a paper in answer to the paper delivered in by Mr. Laurens, in which he repeats his request, "that Congress will explicitly declare whether it be their opinion that the motion which he made on Friday was full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States; and hopes that Congress, having indulged Mr. Laurens with entering his address upon the journal, will do him equal justice, and allow him the same indulgence by entering his address upon the journal of Congress:

The motion being seconded by Mr. Penn,

On the question, shall Mr. Smith's address be entered on the journal?

The yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	no	no	<i>Maryland</i> ,	Mr. Plater,	ay	
<i>Mass'atts-Bay</i> , Mr. Gerry,	no			Carmichael,	ay	
	Lovell,	ay		Henry,	ay	ay
	Holten,	no		Jenifer,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	div.	<i>Virginia</i> ,	Mr. Smith,	ay	
	Collins,	ay		R. H. Lee,	no	
<i>Connecticut</i> , Mr. Sherman,	no	no		Griffin,	ay	ay
	Spencer,	no		Fleming,	ay	
<i>New-York</i> , Mr. Jay,	ay		<i>N.-Carolina</i> ,	Mr. Penn,	ay	
	Morris,	no		Burke,	ay	ay
	Floyd,	ay		Sharpe,	ay	
<i>New-Jersey</i> , Mr. Scudder,	no	no	<i>S.-Carolina</i> ,	Mr. Laurens,	no	div.
	Fell,	no		Drayton,	ay	
<i>Pennsylvania</i> , Mr. Armstrong,	no					
	Shippen	no				
	Atlee,	ay				
	Searle,	no				
	Wynkoop,	no				

So it passed in the negative.

### WEDNESDAY, May 19, 1779.

According to the order of the day, Congress proceeded to the consideration of that part of the report of the board of treasury, relative to the raising supplies and supporting the credit of the continental currency.

On considering the resolution,

"That these United States be called upon, in addition to the sum required by a resolution of Congress of the 2d of January, for their respective quotas of million of dollars, to be paid into the continental treasury before the first day of January next, in the proportion following."

A motion was made by Mr. Dickinson, seconded by Mr. Morris, that the blank be filled with the word "sixty."

On which the yeas and nays being required by Mr. Morris,

<i>New-Hampshire</i> , Mr. Whipple,	no	no	<i>Pennsylvania</i> ,	Mr. Armstrong,	no	
<i>Mass'atts-Bay</i> , Mr. S. Adams,	no			Shippen,	no	
	Gerry,	no		Atlee,	ay	div.
	Lovell,	no		Searle,	ay	
	Holten,	ay		Muhlenberg,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	no		Wynkoop,	no	
	Collins,	no	<i>Delaware</i> ,	Mr. Dickinson,	ay	ay
<i>Connecticut</i> , Mr. Sherman,	ay	ay	<i>Maryland</i> ,	Mr. Plater,	no	
	Spencer,	ay		Carmichael,	no	no
<i>New-York</i> , Mr. Jay,	ay			Henry,	no	
	Duane,	no		Jenifer,	no	
	Morris,	ay	<i>Virginia</i> ,	Mr. Smith,	no	
	Floyd,	ay		R. H. Lee,	no	no
<i>New-Jersey</i> , Mr. Witherspoon,	no			Fleming,	no	
	Scudder,	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	
	Fell,	no		Burke,	ay	no
				Sharpe,	no	
			<i>S.-Carolina</i> ,	Mr. Laurens,	no	div.
				Drayton,	ay	

So it passed in the negative.

A motion was then made by Mr. Penn, seconded by Mr. Armstrong, that the blank be filled with the words "forty-five."

On which the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay
<i>Massa'etts-Bay,</i>	Mr. S. Adams,	no			Shippen,	no	
	Gerry,	no			Atlee,	ay	
	Lovell,	no			Searle,	ay	
	Holten,	ay	} no		Muhlenberg,	ay	} ay
<i>Rhode-Island,</i>	Mr. Ellery,	no			Wynkoop,	ay	
	Collins,	no		<i>Delaware,</i>	Mr. Dickinson,	ay	
<i>Connecticut,</i>	Mr. Sherman	ay		<i>Maryland,</i>	Mr. Plater,	ay	} div.
	Spencer,	ay	} ay		Carmichael,	ay	
<i>New-York,</i>	Mr. Jay,	ay			Henry,	no	
	Duane,	ay			Jenifer,	no	
	Morris,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	no	} no
	Floyd,	ay			R. H. Lee,	no	
<i>New-Jersey,</i>	Mr. Witherspoon,	ay			Fleming,	no	
	Scudder,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay
	Fell,	ay	} ay		Burke,	ay	
					Sharpe,	no	
				<i>S.-Carolina,</i>	Mr. Laurens,	no	
					Drayton,	ay	} div.

So it was resolved in the affirmative.

THURSDAY, May 20, 1779.

The delegates of Virginia laid before Congress certain powers and instructions to them given by the general assembly of their state, which were read, and are as follows :

" IN GENERAL ASSEMBLY, Saturday the 19th of December, 1778.

" *Resolved, nemine contradicente,* That our delegates in Congress be instructed to propose to Congress that they recommend to each of the states named as parties in the articles of confederation, heretofore laid before and ratified by this assembly, that they authorize their delegates in Congress to ratify the said articles, together with the delegates of so many other of the said states as shall be willing, so that the same shall be forever binding on the states so ratifying, notwithstanding that a part of those named shall decline to ratify the same, allowing, nevertheless, to the said states so declining, either a given or indefinite time, as to Congress shall seem best, for acceding to the said confederation, and making themselves thereby members of the union.

*Resolved, nemine contradicente,* That our said delegates now in office, or hereafter to be appointed, be authorized and required, and are hereby authorized and required, to ratify the said articles of confederation on the part of this commonwealth, with so many of the other states named in them as parties, as shall on their part ratify the same.

B. HARRISON, S. H. D.  
A. CARY, S. S."

Test:

In pursuance of the above powers and instructions, the said delegates moved in the words following :

" Whereas it is of the greatest importance to the safety, honor and interest of the United States, that the confederation be closed as soon as may be, and rendered forever binding on the states acceding thereto :

*Resolved,* That it be earnestly recommended to each of the states named as parties to the confederation, that they authorize their delegates in Congress to ratify the same on or before the day of next, in conjunction with the delegates of so many other of the said states as shall be willing ; to the end, that the same may be thenceforward forever binding on the states

so ratifying, notwithstanding that a part of those named shall decline to ratify the same."

The delegates of Virginia then delivered in a paper signed by them in the words following:

"In consequence of the foregoing instructions and powers to us given, we do hereby declare, that we are ready and willing to ratify the confederation with any one or more states named therein, so that the same shall be forever binding upon the state of Virginia.

Signed, MEREWETHER SMITH,  
CYRUS GRIFFIN.

RICHARD HENRY LEE,  
WILLIAM FLEMING.

Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs:

After debate, it was agreed by the house, that the question shall be stated, shall Mr. R. Izard be recalled?

FRIDAY, *May 21, 1779.*

Mr. Huntington, a delegate from Connecticut, attended, and took his seat in Congress.

The delegates of Maryland informed Congress, that they have received instructions respecting the articles of confederation, which they are directed to lay before Congress, and to have entered on their journals; the instructions being read are as follows:

"Instructions of the general assembly of Maryland, to George Plater, William Paca, William Carmichael, John Henry, James Forbes and Daniel of St. Thomas Jenifer, esqrs;

GENTLEMEN, Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities and zeal to promote the general welfare of the United States, and the particular interest of this state, where the latter is not incompatible with the former; but to add greater weight to your proceedings in Congress, and to take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the state you represent, we think it our duty to instruct you as followeth on the subject of the confederation, a subject in which, unfortunately, a supposed difference of interest has produced an almost equal division of sentiments among the several states composing the union: We say a supposed difference of interests; for, if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound,) we flatter ourselves this apparent diversity of interests would soon vanish; and all the states would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some states to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the states which have thus acceded to the confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence. Is it possible that those states, who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavours to acquire them? we think not; we are convinced the same spirit which hath prompted them to inlist on a claim so extravagant, so

repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbours, yet the depopulation, and consequently the impoverishment of those states, will necessarily follow; which by an unfair construction of the confederation may be stripped of a common interest in, and the common benefits derivable from, the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? they cannot escape the least discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her taxes: lands comparatively cheap and taxes comparatively low, with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumstanced of its most useful inhabitants, its wealth; and its consequence in the scale of the confederated states would sink of course. A claim so injurious to more than one half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? what arguments alleged in support either of the evidence or the right; none that we have heard of deserving a serious refutation.

It has been said that some of the delegates of a neighbouring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state: hence also the necessity was admitted of dividing its territory and erecting a new state, under the auspices and direction of the elder, from whom no doubt it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced: such a measure, if ever attempted, would certainly be opposed by the other states, as inconsistent with the letter and spirit of the proposed confederation. Should it take place, by establishing a sub-confederacy, *imperium in imperio*, the state possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose at a future time, and to lop off a part of its territory to be erected into a new and free state, and admitted into the confederation on such conditions as shall be settled by nine states. If it is necessary for the happiness and tranquillity of a state thus overgrown, that Congress should hereafter interfere and divide its territory; why is the claim to that territory now made and so pertinaciously insisted on? we can suggest to ourselves but two motives; either the declaration of relinquishing at some future period a portion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be farther explained: we have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and es-



essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration; should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting the confederation may be more publicly known and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before Congress, to have it printed, and to deliver to each of the delegates of the other states in Congress assembled, copies thereof, signed by yourselves or by such of you as may be present at the time of the delivery; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration.

Also we desire and instruct you to move at a proper time, that these instructions be read to Congress by their secretary, and entered on the journals of Congress.

We have spoken with freedom, as becomes freemen, and we sincerely wish that these our representations may make such an impression on that assembly as to induce them to make such addition to the articles of confederation as may bring about a permanent union.

A true copy from the proceedings of December 15, 1778.

Test,

T. DUCKETT, C. H. D.

The delegates for the state of Connecticut laid before Congress farther powers relative to the articles of confederation, which were read, and are as follows:

“STATE OF CONNECTICUT, ss:

At a general assembly of the governor and company of the state of Connecticut, in America, holden at Hartford, by special order of the governor of the said state, on Wednesday, (L. S.) the 7th day of April, Anno Domini 1779.

It appearing to this assembly to be essentially necessary for the preservation, safety, independence, and sovereignty of the United States of America, that the articles of confederation and perpetual union be acceded to, ratified and confirmed: and whereas all of the said states, except Maryland, have agreed to and confirmed said articles of confederation, and Maryland hath not acceded to said articles as drawn up, for reasons heretofore published; and whereas the confederation of thirteen states may not be considered as obligatory on twelve states only:

*Resolved*, That the delegates of this state in Congress be directed and empowered, and full power and authority is hereby given and granted to the said delegates, in the name and behalf of this state, to enter into, ratify and confirm said articles of confederation and perpetual union with the states of New-Hampshire, Massachusetts-Bay, Rhode-Island, and Providence Plantations, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia, in the most full and ample manner; always provided that the state of Maryland be not thereby excluded from acceding to said confederation at any time hereafter. A true copy of record:

Examined by

GEORGE WYLLYS, *Secretary.*”

Congress resumed the consideration of the report of the board of treasury on finance, and in considering the resolution under debate on Wednesday,

A motion was made by Mr. Gerry, seconded by Mr. Carmichael, to strike out “January,” in the last line; and in the room thereof insert “April;” and, on the question, shall the word “January” stand?

The yeas and nays being required by Mr. Gerry,



<i>N.-Hampshire</i> , Mr. Whipple,	no	>no	<i>Pennsylvania</i> , Mr. Armstrong,	ay	
<i>Mass'-ts-Bay</i> , Mr. S. Adams,	ay		Shippen,	ay	
	Gerry,	no	Atlee,	ay	
	Lovell,	ay	Searle,	no	ay
	Holten,	ay	Muhlenberg,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no		Wynkoop,	ay	
	Collins,	no	<i>Delaware</i> , Mr. Dickinson,	ay	ay
<i>Connecticut</i> , Mr. Sherman,	ay		<i>Maryland</i> , Mr. Plater,	no	
	Spencer,	ay	Carmichael,	no	no
	Huntington,	ay	Henry,	no	
<i>New-York</i> , Mr. Jay,	ay		Jenifer,	no	
	Duane,	ay	<i>Virginia</i> , Mr. Smith,	ay	
	Morris,	ay	R. H. Lee,	no	ay
	Floyd,	ay	Griffin,	ay	
<i>New-Jersey</i> , Mr. Scudder,	ay	>*	Fleming,	ay	
			<i>N.-Carolina</i> , Mr. Penn,	ay	
			Burke,	ay	ay
			Sharpe,	ay	
			<i>S.-Carolina</i> , Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

On the question to agree to the resolution as amended,

**Resolved**, That these United States be called upon, in addition to the sum required by a resolution of Congress of the 2d of January last, for their respective quotas of 45,000,000 of dollars, to be paid into the continental treasury before the first day of January next, in the proportion following:

New-Hampshire,	-	-	1,500,000	Delaware,	-	-	-	450,000
Massachusetts-Bay,	-	-	6,000,000	Maryland,	-	-	-	4,680,000
Rhode-Island,	-	-	750,000	Virginia,	-	-	-	7,200,000
Connecticut,	-	-	5,100,000	North-Carolina,	-	-	-	3,270,000
New-York,	-	-	2,400,000	South-Carolina,	-	-	-	5,550,000
New-Jersey,	-	-	2,400,000					
Pennsylvania,	-	-	5,700,000					\$45,000,000

Georgia being invaded, is hereafter to raise her proportion.

**Resolved**, That the said several sums, or any greater sums, which shall be paid by any of the states into the continental treasury, shall be passed to their respective credits on interest, on the same terms as are prescribed by the resolution of Congress, passed the 22d of November, 1777.

#### SATURDAY, May 22, 1779.

A letter, of the 21st, from W. Rogers, chaplain of the brigade late commanded by brigadier Conway, was read, requesting that the stile of the brigade may be changed to that of "the third Pennsylvania brigade," being the stile by which it is known in the army:

**Resolved**, That his request be granted, and that a new certificate be granted to him, referring to his appointment of the 11th of June, 1778.

The committee on the treasury brought in a report, which was read; Whereupon,

**Resolved**, That upon application from the state of Connecticut, a warrant issue on the treasurer in favor of their delegates, for 150,000 dollars, the said state to be accountable, and to repay a like sum to the commissioner of the continental loan-office thereof in the month of August next, with interest at six per cent. per annum, transmitting duplicate receipts to the board of treasury:

That upon application from the state of Massachusetts-Bay, a warrant issue on the treasurer in favor of Mr. John Lovell, for 800,000 dollars, the said state to be accountable, and to repay 500,000 dollars thereof to the commissioner of the continental loan-office of the said state in the month of August next, with interest at six per cent. per annum, transmitting duplicate receipts to the board of treasury:

That upon application from the state of Virginia, a warrant issue on the treasurer in favor of John Moss, esq. for 300,000 dollars, the said state to be accountable, and to pay a like sum to the commissioner of the continental loan-office thereof in the month of August next, with interest at six per cent. per annum, transmitting duplicate receipts to the board of treasury.

*Resolved*, That the auditors of the army be authorized to increase the pay of such of their clerks as may merit the same, to a sum not exceeding 120 dollars per month, according to their respective abilities.

*Resolved*, That all continental officers who are or may be exchanged, and not continued in the service, be, after such exchange, considered as supernumerary officers, and entitled to the pay provided by a resolution of Congress, of the 24th of November last.

Whereas the troops formerly serving in South-Carolina and Georgia are united in one body, under the same commanding officer, and disorder may arise from having two military chests and pay-masters in the same detachment of the army; and Joseph Clay, esq. deputy pay-master for Georgia, having represented that the money remaining in his hands will be soon expended, and a supply having been lately forwarded to John Lewis Gervais, deputy pay-master for South-Carolina:

*Resolved*, That the general commanding in South-Carolina be authorized and directed to draw out of the hands of the said John Lewis Gervais, the balance which may be due from him to the public, and transfer it to the care of the said Joseph Clay, who shall be considered as the sole deputy pay-master for the troops serving in South-Carolina and Georgia, until the further order of Congress; and that Mr. Gervais adjust and transmit his accounts to the board of treasury for settlement:

In consequence of a recommendation from the board of treasury,

*Resolved*, That John Reed, William Coats, John Williams, George Bright, and Levy Budd, be appointed signers of the continental bills of credit.

The delegates of New-York, in behalf of their state, moved that Congress come to the following resolutions:

“Whereas divers of the inhabitants of a certain district of country, over a particular part of which the state of New-York, and over the residue of which the state of New-Hampshire, at the time when these United States were colonies of and subject to the crown of Great-Britain, did exercise jurisdiction, have, under various pretences, refused allegiance thereto, and attempted to constitute themselves into a separate state, under the assumed name of the state of Vermont:

*Resolved*, That the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, are severally entitled to and ought to hold and be maintained in the possession of all the lands and territories, which appertained of right to each of them respectively, while they were colonies of and subject to the king of Great-Britain.

*Resolved*, That none of the said states ought to be, or shall be, divested of any land or territories over which they respectively exercised jurisdiction at the time aforesaid, unless by judgment of Congress in favor of certain other of the said states claiming the same or any part thereof, and prosecuting that claim in the way prescribed by the articles of confederation.

*Resolved*, That no part or district of one or more of the said states shall be permitted to separate therefrom, and become independent thereon, without the express consent and approbation of such state or states respectively.

*Resolved*, That it be recommended to the inhabitants of the said pretended state of Vermont, to return peaceably to their former jurisdictions, that is to say, those who have separated from the state of New-York, to the state of

New-York ; and those who have separated from the state of New-Hampshire, to the state of New-Hampshire.

*Resolved*, That Congress will readily hear, examine, and interpose, to obtain a redress of any grievances of which the said inhabitants may have cause to complain against their said respective states.

*Resolved*, That nothing in the preceding resolutions contained shall be construed to confirm or prejudice the title of the states of New-Hampshire, or New-York, to the jurisdictions aforesaid, or to exclude or bar any claims which other states may have thereto, or to any part thereof."

A motion was thereupon made by Mr. Burke, seconded by Mr. Morris,

'That, on Saturday next, Congress be resolved into a committee of the whole to consider the foregoing resolutions.

On which the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	no	no	<i>Pennsylvania</i> , Mr. Armstrong,	no	
<i>Massachusetts-Bay</i> , Mr. S. Adams,	ay		Shippen,	ay	
Gerry,	ay	ay	Atlee,	ay	ay
Lovell,	ay		Muhlenberg,	ay	
Holten,	ay		Wynkonn,	ay	
<i>Rhode-Island</i> , Mr. Collins,	ay	ay	<i>Maryland</i> , Mr. Plater,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay		Carmichael,	ay	ay
Spencer,	ay	ay	Jenifer,	ay	
Huntington,	ay		<i>Virginia</i> , Mr. Smith,	ay	
<i>New-York</i> , Mr. Jay,	ay		R. H. Lee,	ay	ay
Duane,	ay	ay	Fleming,	ay	
Morris,	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	
Floyd,	ay	ay	Burke,	ay	ay
<i>New-Jersey</i> , Mr. Fell,	ay	*	Sharpe,	ay	
			<i>S.-Carolina</i> , Mr. Laurens,	ay	ay
			Drayton,	ay	

So it was resolved in the affirmative.

The committee, consisting of Mr. Burke, Mr. Duane and Mr. Lovell, to whom was referred the letter from the minister plenipotentiary of France, with the note from Don Juan de Mirailles, dated May 18th, 1779, brought in a report; Whereupon,

*Resolved*, That the resolutions of Congress, passed on the 6th day of March last, relative to the controul of Congress by appeal in the last resort over all jurisdictions for deciding the legality of captures on the high seas, be immediately transmitted to the several states ; and that they be respectively requested to take effectual measures for conforming therewith.

*Resolved*, That the following letter be written to the minister plenipotentiary of France, and signed by the president :

SIR, Congress having taken into consideration your letter of the 19th of this month, I am directed to assure you, that as soon as the matter shall in due course come before them, they will attend very particularly to the cases of the vessels stated in the note from Don Juan de Mirailles to have been sailing under the flag of his Catholic majesty, and captured by armed vessels under the flag of the United States ; and that they will cause the law of nations to be most strictly observed : that if it shall be found, after due trial, that the owners of the captured vessels have suffered damage from the misapprehension or violation of the rights of war and neutrality, Congress will cause reparation to be made in such manner as to do ample justice and vindicate the honor of the Spanish flag.

That Congress have every possible disposition to cultivate the most perfect harmony with his Catholic majesty, and to encourage the most liberal and friendly intercourse between his subjects and the citizens of these United States ; but they cannot, consistently with the powers entrusted to them and the rights of the states and of individuals, in any case, suspend or interrupt the ordinary course of justice.

On motion of Mr. Duane, seconded by Mr. Morris, Congress came to the following resolution:

Whereas, a proposition has been made for exchanging a number of the good citizens of these states, who are in captivity at Niagara and its vicinity, for disaffected citizens who are desirous to join the enemy:

*Resolved*, That the commissioners of Indian affairs for the northern department, or any two of them, be authorized and directed, with the concurrence of the commander in chief and the governor or executive authority of the several states, whose citizens, respectively, shall be the subject of the proposed exchange, to negotiate and settle such exchange in the manner and on the terms they shall judge reasonable and expedient.

MONDAY, May 24, 1779.

*Resolved*, That the journals of a preceding day be open to correction during the whole of the next day.

The delegates from Maryland laid before Congress a letter of the 20th, from T. Johnson, governor of that state:

*Ordered*, That it be referred to the board of war, and that the board be directed to furnish, with all convenient despatch, to the state of Maryland, 600 stand of arms, for which the said state is to be accountable.

A motion was made by Mr. Morris, seconded by Mr. Carmichael, in the words following:

"Whereas Congress on the 15th of May last, did unanimously resolve, that all military officers commissioned by Congress, who then were or thereafter might be in the service of the United States, and should continue therein during the war, and not hold any office of profit under these states or any of them, should, after the conclusion of the war, be entitled to receive annually for the term of seven years, if they should live so long, one half of the present pay of such officers, with certain provisos and limitations: and, whereas, the great sufferings, exemplary fortitude, and unshaken perseverance of the said officers, justly entitle them to the favorable notice of a grateful country, whose liberties they have bravely defended, supported and established: this Congress, therefore, mindful of their present sufferings, and willing to make future provision for the age of those whose youth, and health and ease, have been generously expended in the service of the public, do resolve and promise, that all military officers commissioned by Congress, who are or shall be in the service of the United States, and shall continue therein during the war, shall, after the conclusion thereof, receive annually during their natural lives one half of their present pay."

An objection being made against taking this into consideration, as being out of order; on the question, is the above motion in order? the yeas and nays being required by Mr. Carmichael,

<i>N.-Hampshire</i> , Mr. Whipple,	no	>no	<i>Delaware</i> ,	Mr. Dickinson,	no	>no
<i>Mass's-Bay</i> , Mr. S. Adams,	no		<i>Maryland</i> ,	Mr. Plater,	no	
	Gerry,	no		Carmichael,	ay	
	Lovell,	no		Henry,	no	
	Holten,	no		Jenifer,	no	
<i>Rhode-Island</i> , Mr. Ellery,	no	>no	<i>Virginia</i> ,	Mr. Smith,	no	
<i>Connecticut</i> , Mr. Sherman,	no			Griffin,	no	
	Huntington,	no		Fleming,	no	
	Spencer,	no	<i>N.-Carolina</i> ,	Mr. Penn,	no	
<i>New-York</i> , Mr. Jay,	no			Burke,	no	
	Duane,	no		Sharpe,	no	
	Morris,	ay	<i>S.-Carolina</i> ,	Mr. Laurens,	no	
<i>New-Jersey</i> , Mr. Scudder,	no			Drayton,	no	
	Fell,	no				
<i>Pennsylvania</i> , Mr. Armstrong,	no					
	Shippen,	no				
	Muhlenberg,	no				
	Wynkoop,	no				
	Atlee,	no				

So it passed in the negative.

Mr. Smith having previously obtained the general consent of the house, moved the following resolutions :

“ Whereas it hath been represented to Congress, that the enemy, at the time of, and since their landing in Virginia, have perpetrated the most unnecessary, wanton, and outrageous barbarities on divers of the citizens of that state, as well as on several of the subjects of his most Christian majesty residing therein ; deliberately putting many of them to death in cool blood, after they had surrendered, abusing women, and desolating the country with fire :

*Resolved*, That the governor of Virginia be requested to cause diligent enquiry to be made into the truth of the above representations, and to transmit to Congress the evidence he may collect on the subject.

*Resolved*, That Congress will retaliate for cruelties and violations of the laws of nations, committed in these states against the subjects of his most Christian majesty, in like manner and measure as if committed against citizens of the said states ; and that the protection of Congress shall be, on all occasions, equally extended to both.”

A motion was made by Mr. Morris, seconded by Mr. Laurens, that the consideration thereof be postponed ; and, on the question for postponing, the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Delaware</i> ,	Mr. Dickinson,	no	no
<i>Massa'etts-Bay</i> , Mr. Gerry,	no		<i>Maryland</i> ,	Mr. Plater,	no	
	Lovell	ay		Carmichael,	ay	div.
	Holten,	no		Henry,	no	
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay		Jenifer,	ay	
<i>Connecticut</i> , Mr. Sherman	ay		<i>Virginia</i> ,	Mr. Smith,	no	
	Huntington,	ay		R. H. Lee,	no	no
	Spencer,	ay		Griffin,	no	
<i>New-York</i> , Mr. Jay,	no		<i>N.-Carolina</i> ,	Fleming,	no	
	Duane,	no		Mr. Penn,	no	no
	Morris,	ay		Burke,	no	
<i>New-Jersey</i> , Mr. Scudder,	no	no	<i>S.-Carolina</i> ,	Sharpe,	no	
	Fell,	no		Mr. Laurens,	ay	div.
<i>Pennsylvania</i> , Mr. Armstrong,	no			Drayton,	no	
	Shippen,	no				
	Atlee,	no				
	Muhlenberg,	no				
	Wynkoop,	no				

So it passed in the negative.

Congress proceeded to consider the first resolution, and on the question, resolved in the affirmative.

After considering the second resolution, when the question thereon was about to be put, the previous question was moved by Mr. Morris, and seconded by Mr. Laurens.

And on the previous question, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	
<i>Massa'etts-Bay</i> , Mr. S. Adams,	ay			Atlee,	no
	Gerry,	no		Muhlenberg,	no
	Lovell,	ay		Wynkoop,	no
	Holten,	no	<i>Maryland</i> ,	Mr. Plater,	no
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay		Carmichael,	no
	Collins,	ay		Henry,	ay
<i>Connecticut</i> , Mr. Sherman,	no		<i>Virginia</i> ,	Jenifer,	ay
	Huntington,	no		Mr. Smith,	no
	Spencer,	no		R. H. Lee,	no
<i>New-York</i> , Mr. Jay,	no			Griffin,	ay
	Duane,	no	<i>N.-Carolina</i> ,	Fleming,	no
	Morris,	ay		Mr. Penn,	no
	Floyd,	no		Burke,	no
<i>New-Jersey</i> , Mr. Scudder,	ay	ay	<i>S.-Carolina</i> ,	Sharpe,	no
	Fell,	ay		Mr. Laurens,	ay
				Drayton,	no

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Armstrong,	no	}	
<i>Mass'-ts-Bay,</i>	Mr. S. Adams,	ay	}			Atlee,	ay	}	
	Gerry,	ay	}	ay		Muhlenberg,	ay	}	ay
	Lovell,	ay	}			Wynkoop,	ay	}	
	Holten,	ay	}		<i>Maryland,</i>	Mr. Plater,	ay	}	
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	div.		Carmichael,	ay	}	ay
	Collins,	ay	}			Henry,	no	}	
<i>Connecticut,</i>	Mr. Sherman,	ay	}	ay		Jenifer,	ay	}	
	Huntington,	ay	}		<i>Virginia,</i>	Mr. Smith,	ay	}	
	Spencer,	ay	}			R. H. Lee,	ay	}	ay
<i>New-York,</i>	Mr. Jay,	ay	}			Griffin,	ay	}	
	Duane,	ay	}	ay		Fleming,	ay	}	
	Morris,	ay	}		<i>N.-Carolina,</i>	Mr. Penn,	ay	}	
	Floyd,	ay	}			Burke,	ay	}	ay
<i>New-Jersey,</i>	Mr. Scudder,	ay	}	ay		Sharpe,	ay	}	
	Fell,	ay	}		<i>S.-Carolina,</i>	Mr. Laurens,	no	}	div.
						Drayton,	ay	}	

So it was resolved in the affirmative.

*Ordered,* That Mr. R. H. Lee have leave of absence.

### WEDNESDAY, May 26, 1779.

The board of treasury report, that they have considered a letter from the board of war of the 21st of May, together with a fresh application from col. Melchior, barrack-master general, for 200,000 dollars, in addition to a like sum granted the 22d, and are of opinion,

That col. Melchior be directed to dismiss all his deputies not at this post and Charlotteville, and make report of the names and stations of the deputy barrack-masters so to be dismissed, to the board of war, who shall issue orders to the quarter-master general to put the barracks under the charge of his deputies:

*Resolved,* That Congress agree to the report.

The house being informed that his excellency the president of Pennsylvania, accompanied by several gentlemen, was at the door, with a petition signed by a number of the inhabitants of Pennsylvania, as well as of other states, which he desired might be introduced and laid before Congress in the manner most agreeable to them.

*Ordered,* That his excellency the president and the gentlemen accompanying him be introduced, in order that he may present the petition.

Accordingly, being introduced, the president addressed the house in a short speech, presented the petition, and withdrew:

The petition was then read;

*Ordered,* That the same be taken into consideration, with the report of the board of treasury on finance.

His excellency the president of the state having suggested that some gentlemen had signified a doubt as to the propriety of presenting the said petition:

*Resolved, unanimously,* That Congress will at all times, cheerfully receive the sentiments of their constituents upon every important matter which may become a subject of their deliberations.

The committee, consisting of Mr. Dickinson, Mr. Drayton and Mr. Duane, appointed to prepare an address to the several states on the present situation of affairs, brought in a new draught, which was read, amended, and unanimously agreed to as follows:

TO THE INHABITANTS OF THE UNITED STATES OF AMERICA.

FRIENDS AND COUNTRYMEN,

The present situation of public affairs demands your most serious atten-



tion, and particularly the great and increasing depreciation of your currency requires the immediate, strenuous and united efforts of all true friends to their country, for preventing an extension of the mischiefs that have already flowed from that source.

America, without arms, ammunition, discipline, revenue, government or ally, almost totally stripped of commerce, and in the weakness of youth, as it were, with a "staff and a sling" only, dared, "in the name of the Lord of Hosts," to engage a gigantic adversary, prepared at all points, boasting of his strength, and of whom even mighty warriors "were greatly afraid."

For defraying the expenses of this uncommon war, your representatives in Congress were obliged to emit paper money; an expedient that you knew to have been before generally and successfully practised on this continent.

They were very sensible of the inconveniences with which too frequent emissions would be attended, and endeavoured to avoid them. For this purpose, they established loan-offices so early as in October, 1776, and have from that time to this, repeatedly and earnestly solicited you to lend them money on the faith of the United States. The sums received on loan have nevertheless proved inadequate to the public exigencies. Our enemies prosecuting the war by sea and land with implacable fury and with some success, taxation at home and borrowing abroad, in the midst of difficulties and dangers, were alike impracticable. Hence the continued necessity of new emissions.

But to this cause alone we do not impute the evil before mentioned. We have too much reason to believe it has been in part owing to the artifices of men who have hastened to enrich themselves by monopolizing the necessities of life, and to the misconduct of inferior officers employed in the public service.

The variety and importance of the business entrusted to your delegates, and their constant attendance in Congress, necessarily disables them from investigating disorders of this kind. Justly apprehensive of them, they, by their several resolutions of the 22d of Nov. and 20th of Dec. 1777, and of the 3d and 9th of Feb. 1778, recommended to the legislative and executive powers of these states a due attention to these interesting affairs. How far those recommendations have been complied with, we will not undertake to determine: but we hold ourselves bound in duty to you to declare, that we are not convinced there has been as much diligence used in detecting and reforming abuses as there has been in committing or complaining of them.

With regard to monopolizers, it is our opinion, that taxes judiciously laid on such articles as become the objects of engrossers, and those frequently collected, would operate against the pernicious tendency of such practices.

As to inferior officers employed in the public service, we anxiously desire to call your most vigilant attention to their conduct with respect to every species of misbehaviour, whether proceeding from ignorance, negligence, or fraud, and to the making of laws for inflicting exemplary punishments on all offenders of this kind.

We are sorry to hear that some persons are so slightly informed of their own interests as to suppose that it is advantageous to them to sell the produce of their farms at enormous prices, when a little reflection might convince them that it is injurious to those interests and the general welfare. If they expect thereby to purchase imported goods cheaper, they will be egregiously disappointed; for the merchants, who know they cannot obtain returns in gold, silver, or bills of exchange, but that their vessels, if loaded here at all, must be loaded with produce, will raise the price of what they have to sell, in proportion to the price of what they have to buy; and, consequently, the land-holder can purchase no more foreign goods for the same quantity of his produce than he could before.

The evil, however, does not stop at this point. The land-holder, by acting on this mistaken calculation, is only labouring to accumulate an immense debt by increasing the public expenses, for the payment of which his estate is engaged, and to embarrass every measure adopted for vindicating his liberty and securing his prosperity.

As the harvests of this year, which, by the divine goodness, promise to be plentiful, will soon be gathered, and some new measures relating to your foreign concerns, with some arrangements relating to your domestic, are now under consideration, from which beneficial effects are expected, we entertain hopes that your affairs will acquire a much greater degree of regularity and energy than they have hitherto had.

But we should be highly criminal if we did not plainly tell you that those hopes are not founded wholly upon our own proceedings. These must be supported by your virtue, your wisdom and your diligence. From the advantage of those seats in the national council with which you have honoured us, we have a pleasing prospect of many blessings approaching this our native land. It is your patriotism must introduce and fix them here.

In vain will it be for your delegates to form plans of economy, to strive to stop a continuation of emissions by taxation or loan, if you do not zealously co-operate with them in promoting their designs, and use your utmost industry to prevent the waste of money in the expenditure, which your respective situations in the several places where it is expended, may enable you to do. A discharge of this duty and a compliance with recommendations for supplying money, might enable Congress to give speedy assurances to the public that no more emissions shall take place, and thereby close that source of depreciation.

Your governments being now established, and your ability to contend with your invaders ascertained, we have, on the most mature deliberation, judged it indispensably necessary to call upon you for 45,000,000 of dollars, in addition to the 15,000,000 required by a resolution of Congress of the 2d of Jan. last, to be paid into the continental treasury before the 1st day of Jan. next, in the same proportion, as, to the quotas of the several states, with that for the said 15,000,000.

It appeared proper to us to fix the 1st day of next Jan. for the payment of the whole; but as it is probable that some states, if not all, will raise part of the sums by instalments or otherwise before that time, we recommend, in the strongest manner, the paying as much as can be collected as soon as possible into the continental treasury.

Though it is manifest that moderate taxation in times of peace will recover the credit of your currency, yet the encouragement which your enemies derive from its depreciation, and the present exigencies, demand great and speedy exertions.

We are persuaded you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals: but though the raising these sums should press heavily on some of our constituents, yet the obligations we feel to your venerable clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers, the public faith and the common weal, so irresistibly urge us to attempt the appreciation of your currency, that we cannot withhold obedience to those authoritative sensations.

On this subject we will only add, that as the rules of justice are most pleasing to our infinitely good and gracious Creator, and an adherence to them most likely to obtain his favor, so they will ever be found to be the best and safest maxims of human policy.

To our constituents we submit the propriety and purity of our intentions, well knowing they will not forget, that we lay no burthens upon them, but

those in which we participate with them; a happy sympathy, that pervades societies formed on the basis of equal liberty. Many cares, many labors, and may we not add, reproaches, are peculiar to us. These are the emoluments of our unsolicited stations; and with these we are content, if you approve our conduct. If you do not, we shall return to our private condition with no other regret, than that which will arise from our not having served you as acceptably and essentially as we wished and strove to do, though as cheerfully and faithfully as we could.

Think not we despair of the commonwealth, or endeavor to shrink from opposing difficulties. No. Your cause is too good, your objects too sacred to be relinquished. We tell you truths, because you are freemen who can bear to hear them and may profit by them; and when they reach your enemies, we fear not the consequences, because we are not ignorant of their resources or own own. Let your good sense decide upon the comparison. Let even their prejudiced understandings decide upon it, and you need not be apprehensive of the determination.

Whatever supposed advantages from plans of rapine, projects of blood, or dreams of domination, may heretofore have amused their inflamed fancies, the conduct of one monarch, the friend and protector of the rights of mankind, has turned the scale so much against them, that their visionary schemes vanish as the unwholesome vapours of night before the healthful influences of the sun.

An alliance has been formed between his most Christian majesty and these states, on the basis of the most perfect equality, for the direct end of maintaining effectually their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as of commerce. The conduct of our good and great ally towards us, in this instance and others, has so fully manifested his sincerity and kindness, as to excite, on our part, correspondent sentiments of confidence and affection.

Observing the interest of his kingdom, to which duty and inclination prompted his attention, to be connected with those of America, and the combination of both clearly to coincide with the beneficent designs of the Author of Nature, who unquestionably intended men to partake of certain rights and portions of happiness, his majesty perceived the attainment of these views to be founded on the single proposition of a separation between America and Great-Britain.

The resentment and confusion of your enemies will point out to you the ideas you should entertain of the magnanimity and consummate wisdom of his most Christian majesty on this occasion.

They perceive, that selecting this grand and just idea from all those specious ones that might have confused or misled inferior judgment or virtue, and satisfied with the advantages which must result from that event alone, he has cemented the harmony between himself and these states, not only by establishing a reciprocity of benefits, but by eradicating every cause of jealousy and suspicion. They also perceive with similar emotions, that the moderation of our ally, in not desiring an acquisition of dominion on this continent, or an exclusion of other nations from a share of its commercial advantages, so useful to them, has given no alarm to those nations, but in fact has interested them in the accomplishment of his generous undertaking, to dissolve the monopoly thereof by Great-Britain, which has already contributed to elevate her present power and haughtiness, and threatened if continued to raise both to a height insupportable to the rest of Europe.

In short, their own best informed statesmen and writers confess that your cause is exceedingly favored by courts and people in that quarter of the world, while that of your adversaries is equally reprobated; and from thence draw ominous and well grounded conclusions, that the final event must prove

unfortunate to the latter. Indeed, we have the best reason to believe that we shall soon form other alliances, and on principles honorable and beneficial to these states.

Infatuated as your enemies have been from the beginning of this contest, do you imagine they can now flatter themselves with a hope of conquering you, unless you are false to yourselves?

When unprepared, undisciplined, and unsupported, you opposed their fleets and armies in full conjoined force, then, if at any time, was conquest to be apprehended. Yet what progress towards it have their violent and incessant efforts made? Judge from their own conduct. Having devoted you to bondage, and after vainly wasting their blood and treasure in the dishonorable enterprise, they deigned at length to offer terms of accommodation, with respectful addresses, to that once despised body, the Congress, whose humble supplications only for peace, liberty and safety, they had contemptuously rejected, under pretence of its being an unconstitutional assembly. Nay, more; desirous of seducing you into a deviation from the paths of rectitude, from which they had so far and so rashly wandered, they made most specious offers to tempt you into a violation of your faith given to your illustrious ally. Their arts were as unavailing as their arms. Foiled again, and stung with rage, embittered by envy, they had no alternative, but to renounce the inglorious and ruinous controversy, or to resume their former modes of prosecuting it. They choose the latter. Again the savages are stimulated to horrid massacres of women and children, and domestics to the murder of their masters. Again our brave and unhappy brethren are doomed to miserable deaths in jails and prison ships. To complete the sanguinary system, all the "extremities of war" are by authority denounced against you.

Piously endeavor to derive this consolation from their remorseless fury, that the "Father of Mercies" looks down with disapprobation on such audacious defiances of his holy laws; and be further comforted with recollecting, that the arms assumed by you in your righteous cause, have not been sullied by any unjustifiable severities.

Your enemies, despairing, however, as it seems, of the success of their united forces against our main army, have divided them, as if their design was to harass you by predatory, desultory operations. If you are assiduous in improving opportunities, Saratoga may not be the only spot on this continent to give a new denomination to the baffled troops of a nation impiously priding herself in notions of her omnipotence.

Rouse yourselves, therefore, that this campaign may finish the great work you have so nobly carried on for several years past. What nation ever engaged in such a contest under such a complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion. We will venture to pronounce that so remarkable an instance exists not in the annals of mankind. We well remember what you said at the commencement of this war. You saw the immense difference between your circumstances and those of your enemies, and you knew the quarrel must decide on no less than your lives, liberties, and estates. All these you greatly put to every hazard, resolving rather to die freemen than to live slaves; and justice will oblige the impartial world to confess you have uniformly acted on the same generous principle. Consider how much you have done, and how comparatively little remains to be done to crown you with success. Persevere, and you ensure peace, freedom, safety, glory, sovereignty, and felicity, to yourselves, your children, and your children's children.

Encouraged by favors already received from infinite goodness, gratefully acknowledging them, earnestly imploring their continuance, constantly endeavoring to draw them down on your heads by an amendment of your lives,

and a conformity to the divine will, humbly confiding in the protection so often and wonderfully experienced, vigorously employ the means placed by Providence in your hands, for completing your labors.

Fill up your battalions : be prepared in every part to repel the incursions of your enemies ; place your several quotas in the continental treasury ; lend money for public uses ; sink the emissions of your respective states ; provide effectually for expediting the conveyance of supplies for your armies and fleets, and for your allies ; prevent the produce of the country from being monopolized : effectually superintend the behaviour of public officers ; diligently promote piety, virtue, brotherly love, learning, frugality, and moderation ; and may you be approved before Almighty God worthy of those blessings we devoutly wish you to enjoy.

Done in Congress, by unanimous consent, this 26th day of May, one thousand seven hundred and seventy-nine.

JOHN JAY, *President*.

Attest,

CHARLES THOMSON, *Secretary*.

On motion of Mr. Fleming, seconded by Mr. Burke,

*Resolved*, That it be referred to the board of war to consider whether it be expedient that so many horses be forthwith purchased as will be necessary to remount such of colonel Baylor's regiment as are without horses, and to make such order therein as they may judge will best promote the service of the United States.

FRIDAY, May 28, 1779.

According to the order of the day, Congress proceeded to the consideration of the report of the treasury board on finance ; and thereupon came to the following resolution :

Whereas it is indispensably necessary that the greatest economy should be introduced into the public expenditures :

*Resolved*, That a committee of three be appointed to make strict enquiry into the establishments and contingent expenses of the respective boards and departments, and to consider and report the retrenchments and reformatations which shall appear to be practicable and expedient ; and that they have power to call for returns from the offices, and for information from the officers of any department, and to confer thereon with the commander in chief : the members chosen, Mr. Dickinson, Mr. Sherman, and Mr. Scudder.

On motion of Mr. Burke, seconded by Mr. Laurens,

*Resolved*, That it be referred to the board of treasury to consider of, and, if they judge it expedient, report a plan for anticipating the taxes recommended to be raised in the several states by the subscriptions of public spirited individuals, to be repaid when the tax shall be collected.

The board of treasury having reported " that, in their opinion, it will be impracticable to carry on the war by paper emissions at the present enormous expenses of the commissary-general's, quarter-master general's, and medical departments : that it appears to them that a general opinion prevails, that one cause of the alarming expenses in these departments arises from allowing commissions to the numerous persons employed in purchasing for the army, and that a very general dissatisfaction has taken place on that account among the citizens of these United States ; and that, in their opinion, it is necessary to put the said departments on a different footing with respect to the expenditure of public money :"

*Resolved*, That the same be referred to a committee of three, and that they be directed to report a plan for the purpose : the members chosen, Mr. Dickinson, Mr. Huntington, and Mr. Burke.

On motion of Mr. Dickinson, seconded by Mr. Carmichael,

*Resolved*, That a committee of three be appointed to consider the most



advisable mode of negotiating a foreign loan, to what amount, and in what manner the same may be most advantageously applied to the use of the states: the members chosen, Mr. Dickinson, Mr. Laurens, and Mr. Smith.

SATURDAY, *May 29*, 1779.

Congress taking into consideration a report of the committee on the treasury,

*Resolved*, That the pay-master general shall keep his office in the place where Congress may, from time to time, hold their sessions :

That he be allowed to employ as many clerks as shall be judged necessary by the board of treasury.

That he be authorized to superintend the several deputy pay-masters general, whose duty it shall be to make monthly returns to him and reasonable applications for money for the use of the army ; to follow his directions in the mode of keeping their accounts, and all other matters relative to their office :

That all accounts of advances made by any of the states, or any officer or person whatsoever, for the pay of the continental army or for the recruiting service, shall be delivered to the deputy pay-master general of the district where such advances may be made ; and the said deputies are hereby directed to keep a copy of such accounts in a book to be provided by them for that purpose, and to transmit the originals immediately to the pay-master general :

That the pay-master general shall keep regular books, and charge therein all monies that have been, or may be advanced to the deputies in the several departments : and when he receives their monthly returns shall give them credit for the same, charging the several regiments or persons to whom such advances have been made, and transmitting their accounts to the auditors of the army respectively :

That the auditors of the army in the several districts make monthly returns to the paymaster-general of the accounts settled in their office, particularly specifying the manner in which such accounts were balanced, and the date of the settlement :

That a deputy pay-master-general be appointed for the army, under the immediate command of his excellency general Washington.

*Resolved*, That it be referred to the committee on the treasury to consider and report the allowances of pay to be made to the deputy pay-master general at the main army, as well as to the deputy pay-masters general in the other districts, and to the clerks of the several deputy pay-masters general.

*Resolved*, That the assistant auditor-general and the secretary of the board of treasury be respectively allowed the same salary as is granted to a commissioner of the chamber of accounts.

In consequence of a nomination by the board of treasury, Congress proceeded to the election of an assistant auditor-general, and a secretary to the board of treasury ; and, the ballots being taken, Joseph Nourse was elected assistant auditor-general ; Robert Troup secretary to the board of treasury.

In consequence of a recommendation of the committee on the treasury,

*Resolved*, That William Colladay, Matthew Strong, James Johnson, Samuel Nicholas, William Gray, John Graff, jr. Jacob Masoner, John Hazzlewood and Daniel Wiater, are appointed signers of the continental bills of credit.

A letter, of the 18th, from G. Clinton, governor of the state of New-York, was read, enclosing copies of sundry papers, viz. No. 1. A petition of the committees of Cumberland county ; 2. A letter of colonel Patterson of Cumberland county to governor Clinton, May 5th, 1779 ; 3. Governor Clinton's letter of May 14th, in answer to the petition of the committees of Cumberland county ; 4. A printed pamphlet, entitled, A public defence of the right



of the New-Hampshire grants, &c. and sundry other papers relative to the dispute between the state of New-York and the inhabitants of a certain district stiling themselves the inhabitants of the state of Vermont.

*Ordered*, That it be referred to the committee of the whole.

A motion was made by Mr. Morris, and seconded by Mr. Drayton,

"That whenever the house shall go into a committee of the whole, the chairman be chosen by the committee by ballot."

On the question to agree to this, the yeas and nays being required by Mr. Morris,

<i>N-Hampshire</i> , Mr. Whipple,	no	no	<i>New-Jersey</i> , Mr. Scudder,	no	*
<i>Massa'tts-Bay</i> , Mr. S. Adams,	no	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
Gerry,	ay		Shippen,	ay	
Lovell,	ay		Muhlenberg,	ay	
Holten,	ay		<i>Delaware</i> , Mr. Dickinson,	ay	} ay
<i>Rhode-Island</i> , Mr. Ellery,	no	} div.	<i>Maryland</i> , Mr. Plater,	ay	
Collins	ay		Carmichael,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	no	} div.	Jenifer,	ay	
Huntington,	ay		<i>Virginia</i> , Mr. Smith,	ay	} *
<i>New-York</i> , Mr. Jay,	ay	} ay	Fleming,	ay	
Duane,	ay		<i>N.-Carolina</i> , Mr. Burke,	ay	} *
Morris,	ay		<i>S.-Carolina</i> , Mr. Drayton,	ay	
Floyd,	ay				

So it was resolved in the affirmative.

### MONDAY, May 31, 1779.

Congress proceeded to the consideration of the report of the committee on the treasury relative to finance, and particularly that part wherein they recommend,

That million of dollars, or such a part thereof as shall be brought into the continental loan-offices, on or before the 1st of next, be borrowed on the faith of the United States of America, &c.

On the question,

*Resolved*, That the first blank be filled with the word "twenty," and the second with the word "October."

A motion was made by Mr. Witherspoon, seconded by Mr. Morris, to strike out the word "offices," in order to insert in lieu thereof the words "office where Congress shall sit;" and, on the question, shall the word offices stand? The yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay	} ay	Shippen,	no	
Gerry,	ay		Atlee,	ay	
Lovell,	ay		Muhlenberg,	no	
Holten,	ay	} ay	Wynkoop,	ay	} ay
<i>Rhode-Island</i> , Mr. Ellery,	ay		McClene,	ay	
Collins,	ay	} ay	<i>Maryland</i> , Mr. Plater,	no	} ay
<i>Connecticut</i> , Mr. Sherman,	ay		Carmichael,	ay	
Huntington,	ay	} ay	Henry,	ay	
<i>New-York</i> , Mr. Jay,	no	} div.	Jenifer,	ay	
Duane,	ay		<i>Virginin</i> , Mr. Smith,	ay	} ay
Morris,	no		Griffin,	ay	
Floyd,	ay		Fleming,	ay	
<i>New-Jersey</i> , Mr. Witherspoon,	no	} *	<i>N.-Carolina</i> , Mr. Penn,	no	} ay
			Burke,	ay	
			Sharpe,	ay	
			<i>S.-Carolina</i> , Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

### TUESDAY, June 1, 1779.

According to the order of the day, Congress was resolved into a committee of the whole, and, after some time, the president resumed the chair; and Mr. Plater reported, that the committee of the whole have taken into consi-

deration the letter of the 18th of May, from his excellency governor Clinton, the petition of the committees of Cumberland county, the letter of colonel Patterson to governor Clinton, governor Clinton's answer, &c. and have come to sundry resolutions thereon, which he was ordered to report:

The report being read, Congress thereupon came to the following resolutions:

Whereas divers applications have been made to Congress on the part of the state of New-York and of the state of New-Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of "the New-Hampshire Grants," praying their interference for the quieting thereof; Congress having taken the same into consideration,

**Resolved,** That a committee be appointed to repair to the inhabitants of a certain district known by the name of the New-Hampshire Grants, and enquire into the reasons why they refuse to continue citizens of the respective states which heretofore exercised jurisdiction over the said district; for that as Congress are in duty bound on the one hand to preserve inviolate the rights of the several states, so on the other they will always be careful to provide that the justice due to the states does not interfere with the justice which may be due to individuals:

That the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States.

**Resolved,** That the further consideration of this subject be postponed until the said committee shall have made report.

**Ordered,** That they report specially and with all convenient speed.

Previous to passing the first resolution,

A motion was made by Mr. Henry, seconded by Mr. Carmichael, to strike out the word "several," and in lieu thereof insert "United;" and, on the question, shall the word several stand? The yeas and nays being required by Mr. Henry,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	ay	<i>Pennsylvania,</i>	Mr. Armstrong,	no	
<i>Mass's-Bay,</i>	Mr. Gerry,	ay			Atlee,	no	
	Lovell,	ay	ay		Muhlenberg,	ay	ay
	Holten,	ay			M'Clene,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	no	no		Wynkoop,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay		<i>Maryland,</i>	Mr. Plater,	no	
	Huntington,	ay	ay		Carmichael,	no	no
	Spencer,	ay			Henry,	no	
<i>New-York,</i>	Mr. Jay,	ay		<i>Virginia,</i>	Jenifer,	no	
	Duane,	ay	ay		Mr. Smith,	ay	
	Morris,	ay			Griffin,	ay	ay
	Floyd,	ay			Fleming,	ay	
<i>New-Jersey,</i>	Mr. Witherspoon,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Scudder,	no	ay		Burke,	ay	ay
	Fell,	ay			Sharpe,	ay	
				<i>S.-Carolina,</i>	Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

**Resolved,** That to-morrow be assigned for electing the committee.

**Resolved, unanimously,** That the president inform the governor of the state of New-York, that a more early attention would have been paid to the pressing applications of that state, relating to the disturbances mentioned in his several letters, had it not been prevented by matters of the greatest importance; and that Congress will continue to pay equal attention to the rights of that state with those of other states in the union.

**Ordered,** That Mr. Plater have leave of absence.

WEDNESDAY, June 2, 1779.

**Resolved,** That the committee to repair to the inhabitants of the New-

Hampshire Grants, consist of five, any three of whom to be empowered to act: the members chosen, Mr. Ellsworth, Mr. Edwards, Mr. Witherspoon, Mr. Atlee, and Mr. Root.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That the board of treasury be empowered to engage such persons, and on such terms as they may think proper, to sign the continental bills of credit, reporting, from time to time, their names to Congress.

*Resolved*, That a member be added to the committee on the treasury in the room of Mr. Langworthy: the member chosen, Mr. Wynkoop.

On motion of the marine committee,

*Resolved*, That two members be added to the marine committee, one in the room of Mr. Ellsworth, of Connecticut, and the other in the room of Mr. R. H. Lee, of Virginia, who are absent: the members chosen, Mr. Huntington, for Connecticut; Mr. Fleming for Virginia.

#### THURSDAY, June 3, 1779.

Mr. Lewis, a delegate from New-York, attended, and took his seat in Congress.

The committee, consisting of Mr. Spencer, Mr. Atlee, Mr. Scudder, to whom was referred a letter from brigadier-general Thompson and col. Webb, in behalf of themselves and sundry others, representing, "that gen. Clinton had consented to their retiring into the country on parole, until such time as they shall be called for; and that he required in return that they should obtain permission for generals Philips and Reidesel, with their aids-de-camp, and capt. Watterson of the 21st regiment, to go into New-York on the same condition; and praying that Congress will be pleased to comply with the said proposal for their parole exchange," brought in a report; Whereupon,

*Resolved*, That the commander in chief be authorized to make such and so many parole exchanges as he shall, from time to time, judge beneficial or expedient.

#### FRIDAY, June 4, 1779.

The committee on the treasury, report,

"That the board having considered a letter from Ebenezer Hancock, deputy pay-master general in the eastern department, dated May 20th, requesting that a sum of money be remitted for the use of the military chest at Boston: that 1,200,000 dollars having been drawn out of the treasury for the use of the detachment of the army to the eastward, and ordered into the hands of Benjamin Stelle, an assistant to Mr. Hancock, in addition to 100,000 dollars which he is to receive of Nathaniel Appleton, esq. commissioner of the continental loan-office in the state of Massachusetts-Bay; they are of opinion it is unnecessary to keep two distinct military chests for the service of one detachment;" Whereupon,

*Resolved*, That E. Hancock repair to the detachment of the army at Providence, and take the charge of the military chest there, and that the sums requisite for the service of Boston be supplied out of the said chest.

*Resolved*, That 10,000,100 dollars, in bills of credit of the United States, be emitted under the direction of the board of treasury and on the faith of the United States.

That the bills shall, excepting the numbers, be of the same tenor and date as the emissions directed on the 5th of May last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

45,455 bills of 60 dollars each,	2,727,300	45,455 bills of 8 dollars each,	363,640
45,455 do. 50	2,272,750	45,455 do. 7	318,185
45,455 do. 40	1,818,200	45,455 do. 5	227,285
45,455 do. 30	1,363,650		
45,455 do. 20	909,100		
			<hr/> \$10,000,100

SATURDAY, *June 5, 1779.*

A letter of this day, from W. Palfrey, pay-master general, was read ; Whereupon,

*Resolved*, That the report of the committee on the treasury of March 17th, 1779, be re-considered.

The said report being read, Congress came to the following resolution :

Whereas, by a receipt of William Palfrey, pay-master general, dated the 1st of July, 1777, and other evidence; it appears that Elias Boudinot supplied him with 2000 dollars in bills of credit intended to have been placed in the continental funds; that in consequence of a refusal of John Borden, esq. commissioner of the continental loan-office in New-Jersey, to issue certificates in part of a warrant drawn on him by the president of Congress in favor of William Palfrey, esq. the matter has been suspended :

*Resolved*, That a warrant issue on the said Joseph Borden, esq. in favour of the said Elias Boudinot, for 2000 dollars, in loan-office certificates, bearing date the 1st of July, 1777, in full for a like sum delivered by him to William Palfrey, esq. pay-master general; who is to be accountable.

According to the order of the day, Congress proceeded to the consideration of the report of the committee, consisting of Mr. Laurens, Mr. M. Smith, Mr. Carmichael, Mr. Dickinson and Mr. Searle, on the memorial of Mr. de Francey, which is as follows :

“The committee to whom Mr. de Francey’s memorial was committed, report,

That in obedience to the direction of Congress, they have conferred with Mr. de Francey :

That he has delivered to the committee divers invoices of cargoes shipped in France by Mr. de Beaumarchais, viz. cargo by the *Amphitrite*, and interest to 31st March, 1779, 782,827 livres ; *Seine*, 687,515 ; *Mercure*, 700,594 ; *Amelie*, 230,174 ; *Therese*, 985,317 ; *Mere Bobie*, 66,750 ; *Marie Catharine*, 148,075 ; *Flamand*, 545,416.—Also, a general account of disbursements by *Mona. Carabasse*, at *Cape Francois*, for purchasing Bermudian boats to take the cargoes of the *Amelie* and *Therese*, 115,000 ; demurrage paid Mr. *Monthieu*, on the *Therese*, *Flamand*, and *Amphitrite*, agreeable to contract with Mr. *Beaumarchais*, 141,400, and of sums advanced to *Silas Deane*, esq. and paid by his order, together with interest, 144,524, making 4,547,593 livres : equal to £198,957 sterling, or thereabouts ; on which no commission is yet charged, nor premium of insurance, if insurance was made. The articles of commission and insurance, as well as Mr. *Beaumarchais*’s account in general, is committed for adjustment to the commissioners of these states to the court of Versailles.

In abatement of the abovementioned sum, Mr. de Francey admits about 300,000 livres, or £13,125 sterling, and 115½ hogsheads of tobacco, exported in the *Fier Roderique*, the net proceeds of which remain unsettled. Mr. Francey also supposes there are further charges to be brought to the debit of the general account, and intimates that there may be some few errors in the invoices, but requests that the commercial committee may be directed to enter on their books the amount of the invoices as they now stand, remarking that errors may be hereafter redressed. Mr. Francey, in a letter to the committee, of the 24th of May, 1779, writes—

“Mr. *Beaumarchais*’s claims against Congress amount to about £200,000 sterling, not including the commission and other charges, as these are to be determined between the American commissioners and Mr. *Beaumarchais*, in France. It is not in my power to fix at this moment the exact amount of the debt, but I am very certain it will exceed £200,000 : in order to discharge a part of it directly, I would propose to have bills drawn by Congress upon the plenipotentiary minister of the United States at Paris, to the order of

Mr. Beaumarchais, payable at the end of three years, bearing an interest of six per cent. annually for the amount of £100,000 sterling, in 50 bills of £2000 each. In the mean while I should wish that produce of this country should be purchased to load without delay some vessels which I expect daily, and by which I will receive all the papers that may be necessary to settle finally this transaction."

From the several accounts abovementioned, all which the committee beg leave to lay before Congress, it appears that Mr Beaumarchais has a just claim on these states for a large sum of money, but it is not in their power, with any degree of exactness, to ascertain the amount.

They beg leave to recommend to Congress,

1st. To give the necessary directions for discovering what articles of merchandise, warlike stores, and other articles, have been received in these states from Mr. Beaumarchais, and Mr. Carabasse, and in what manner the Bermudian boats, said to have been purchased by Mr. Carabasse, have been disposed of :

Also that Congress will be pleased to direct the committee for foreign affairs to write immediately to the commissioners at the Court of France, and desire them to transmit an account of their proceedings in Mr. Beaumarchais's account, pursuant to the order of Congress of the 13th day of April, 1778 :

That in the meanwhile the committee on the treasury be directed to prepare proper bills of exchange on the minister plenipotentiary at the court of France, payable to Mr. Beaumarchais's order at the end of three years from the date, with interest to be paid annually at six per cent. That bills to be for different sums, from £1000 to 4000 sterling, or the value thereof in livres, and six bills to each set, and to amount in the whole to 100,000 louis d'or or 2,400,000 livres of France :

That the committee of commerce be directed to deliver to Mr. de Francey all the merchantable tobacco belonging to these states, and now in store in Virginia, Maryland, and North-Carolina, and to consign the ship Chase and her cargo of tobacco to Mr. de Beaumarchais."

On the question to agree to these several recommendations and directions, reported by the committee, resolved in the affirmative.

A letter of this day, from the board of war, was read ; Whereupon,

*Resolved*, That one more blank commission be sent to the commissioners of Indian affairs in the northern department, to be filled up with the name of such faithful chief as they shall deem worthy of that honor.

A letter, of the 3d, from general Washington, was read, enclosing extracts from the proceedings of a board of general-officers on the claim of major Powell, of the Pennsylvania line, and sundry papers relative to colonel Dubois's claim of rank ; Whereupon,

*Resolved*, That colonel Dubois rank in the line of the army of the United States of America, after colonel Van Cortlandt and colonel Gansevoort.

*Resolved*, That the commission of major, granted to captain Powell in the 12th Pennsylvania regiment, be vacated, and that the rank of the officers continue the same as they were at the time of passing the resolution for incorporating Patton's and Hartley's regiments and the independent companies, and rise according to the principle or rule established in the army.

#### MONDAY, June 7, 1779.

A letter, of the 4th, from Amos Wilkinson, captain of artillery, was read, requesting leave to resign his commission :

*Resolved*, That his resignation be accepted.

A letter, of the 5th, from J. Wadsworth, commissary-general of purchases, was read ; Whereupon,



**Resolved unanimously,** That Congress have full confidence in the integrity and abilities of the quarter-master general and commissary-general; and although there is reason to believe that abuses have been committed by inferior officers in their respective departments, yet Congress are persuaded that many of them deserve well of their country; and that measures will speedily be taken to distinguish such of them as have been faithful from such as have been otherwise, and thereby cause justice to be done to all:

That colonel Wadsworth be informed that at so critical a season as the opening of a campaign, sudden changes in the appointment of principal officers in his department would be inexpedient and dangerous, and therefore that they cannot accept his resignation; and farther, that Congress expect his deputies and agents will not expose themselves to the resentment of their country, or embarrass the service, by quitting it at so critical a period, but, by exerting their utmost efforts in their several places, manifest their ability and public spirit.

The committee on the treasury having nominated John Peirce to the office of deputy pay-master general to the army under the immediate command of general Washington, Congress proceeded to an election; and, the ballots being taken, Mr. John Peirce was chosen.

The marine committee, to whom was referred a resolution of the council of Massachusetts-Bay, dated the 23d of February, 1779, respecting the powers of foreign consuls, report,

“That as by the 31st article of the treaty of commerce, it is provided, that the two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement, it seems necessary that persons be appointed by Congress to adjust and settle with the minister plenipotentiary of France the powers and privileges of consuls in the ports of either nation;” Whereupon,

**Resolved,** That a committee of three be appointed for the purpose aforesaid: the members chosen, Mr. Laurens, Mr. S. Adams and Mr. Dickinson.

On motion made by Mr. Dickinson, seconded by Mr. S. Adams,

**Resolved,** That every despatch received by the house, and on which no other order shall be made, shall be of course considered as ordered to lie on the table for farther consideration:

That on every day upon which it has been resolved to proceed on the order of the day after reading the journals and despatches, the house will proceed accordingly; and no other order than is above mentioned shall be made on any despatch, unless it be by unanimous consent: that this rule continue in force until Congress shall have gone through the reports of the board of treasury relative to finance, and the report of the committee of thirteen on foreign affairs, and of that on the communications from the minister plenipotentiary of France, and no longer.

The board of treasury having reported,

That they have considered the memorial of major James Quarles, of the 2d Virginia state regiment, dated at Philadelphia, June the 4th, 1779, referred to them, and finding the three dollars per day allowed by a resolution of the 4th of September last to officers ordered on business not incidental to their office, were not intended as an allowance for their whole expenses, but as an addition to their pay and subsistence whilst on such business, and that all the accounts of the army since the date of that resolution have been settled agreeably thereto, they are of opinion, that the prayer of the said petition cannot be granted:

On the question, **Resolved,** That Congress agree to the said report.

**Resolved,** That the commissary-general of prisoners be authorized, from time to time, to pay to the order of officers and soldiers in captivity, any



sums not exceeding the amount of their pay and subsistence, in order to enable them to assist their families; and that he make monthly returns to the pay-master general of their accounts respectively.

*Resolved*, That the secretary of the board of war and ordnance be hereafter allowed the same salary as is granted to a commissioner of the chamber of accounts.

The committee on the treasury having nominated Thomas Reed to the office of deputy pay-master general at Albany, Congress proceeded to the election; and, the ballots being taken, Mr. Thomas Reed was chosen.

### TUESDAY, June 8, 1779.

According to the order of the day, Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs, and on the question, shall Mr. R. Izard be recalled?

The yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
<i>Massa'sts-Bay</i> , Mr. S. Adams,	no		Shippen,	no	
Gerry,	ay	} no	Searle,	no	
Lovell,	no		Muhlenberg,	ay	
Holten,	no		M'Clene,	no	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	Wynkoop,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay		Mr. Dickinson,	ay	} ay
Huntington,	no	} ay	Mr. Plater,	ay	
Spencer,	ay		Paca,	ay	} ay
<i>New-York</i> , Mr. Jay,	ay	} ay	Carmichael,	ay	
Duane,	ay		Henry,	no	
Morris,	ay		Jenifer,	ay	
Floyd,	ay		Mr. Smith,	ay	} ay
Lewis,	ay		Griffin,	ay	
<i>New-Jersey</i> , Mr. Scudder,	no	} div.	Fleming,	ay	} ay
Fell,	ay		Mr. Penn,	ay	
			Burke,	ay	
			Sharpe,	ay	} no
			Mr. Laurens,	no	
			Drayton,	no	

So it was resolved in the affirmative.

A motion was then made by Mr. Duane, seconded by Mr. Armstrong,

"That Mr. Izard be informed that it is the sense of Congress that he need not repair to America until it suits his convenience."

On motion of Mr. Sherman, seconded by Mr. Lovell,

*Resolved*, That the words "until it suits his convenience," be struck out.

On the question to agree to the motion, as amended, the yeas and nays being required by Mr. Paca,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
<i>Massa'sts-Bay</i> , Mr. S. Adams,	ay		Shippen,	ay	
Gerry,	no	} ay	Searle,	ay	
Lovell,	ay		Muhlenberg,	no	
Holten,	ay		M'Clene,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	Wynkoop,	ay	} ay
Collins,	ay		Mr. Dickerson,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay	} ay	Mr. Plater,	no	} ay
Huntington,	ay		Paca,	no	
Spencer,	ay	} ay	Carmichael,	no	
<i>New-York</i> , Mr. Jay,	no		Henry,	ay	} no
Duane,	ay		Jenifer,	no	
Morris,	no		Mr. Smith,	no	
Floyd,	ay		Griffin,	no	} no
Lewis,	ay		Fleming,	no	
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay	Mr. Penn,	no	
Fell,	ay		Burke,	no	} no
			Sharpe,	no	
			Mr. Laurens,	no	} no
			Drayton,	no	

So it was resolved in the affirmative.

On the question, shall Mr. W. Lee be recalled, the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no
<i>Massa'ette-Bay,</i>	Mr. S. Adams,	no			Shippen,	no	
	Gerry,	ay	} no		Searle,	no	} no
	Lovell,	no			Muhlenberg,	ay	
	Holten,	no			M'Clene,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay		Wynkoop,	ay	} ay
	Collins,	ay		<i>Delaware,</i>	Mr. Dickinson,	ay	
<i>Connecticut,</i>	Mr. Sherman	ay	} ay	<i>Maryland,</i>	Mr. Plater,	ay	} ay
	Huntington,	ay			Paca,	ay	
	Spencer,	ay			Carmichael,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay		Henry,	no	} ay
	Duane,	ay		<i>Virginia,</i>	Jenifer,	ay	
	Morris,	ay			Mr. Smith,	ay	
	Floyd,	ay			Griffin,	ay	
	Lewis,	ay	} div.		Fleming,	ay	} ay
<i>New-Jersey,</i>	Mr. Scudder,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Fell,	ay			Burke,	ay	} no
				<i>S.-Carolina,</i>	Sharpe,	ay	
					Mr. Laurens,	no	
					Drayton,	no	

So it was resolved in the affirmative.

A motion was made by Mr. S. Adams, seconded by Mr. Sherman, "that Mr. W. Lee be informed that it is the sense of Congress that he need not repair to America."

On the question to agree to this, the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay
<i>Massa'ette-Bay,</i>	Mr. S. Adams,	ay			Shippen,	ay	
	Gerry,	no	} ay		Searle,	ay	} ay
	Lovell,	ay			Muhlenberg,	no	
	Holten,	ay			M'Clene,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} div.		Wynkoop,	ay	} ay
	Collins,	no		<i>Delaware,</i>	Mr. Dickinson,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay	<i>Maryland,</i>	Mr. Paca,	no	} no
	Huntington,	ay			Carmichael,	no	
	Spencer,	ay			Henry,	ay	
<i>New-York,</i>	Mr. Jay,	no	} no		Jenifer,	no	} no
	Duane,	ay		<i>Virginia,</i>	Mr. Smith,	no	
	Morris,	no			Griffin,	no	
	Floyd,	ay			Fleming,	no	
	Lewis,	no	} y	<i>N.-Carolina,</i>	Mr. Penn,	no	} no
<i>New-Jersey,</i>	Mr. Scudder,	ay			Burke,	no	
	Fell,	ay		<i>S.-Carolina,</i>	Sharpe,	no	
					Mr. Laurens,	no	} no
					Drayton,	no	

So it was resolved in the affirmative.

**Resolved,** That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

The 7th proposition in the report being read, viz. "that no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other public office:" after debate, the previous question was moved by Mr. Morris. and seconded by Mr. Drayton, and being passed in the affirmative, the main question was set aside

The 8th proposition being read, "that no person be appointed plenipotentiary minister or commissioner of these United States, who is not a citizen thereof, and who has not a fixed and permanent interest therein."

The previous question was moved by Mr. S. Adams, and seconded by Mr. Morris.

A division of the main question was required; and on the previous ques-

tion on the first, viz. "that no person be appointed plenipotentiary minister or commissioner for these United States, who is not a citizen thereof."

The yeas and nays being required by Mr. Penn,

<i>N.-Hampshire,</i> Mr. Whipple,	ay	ay	<i>Delaware,</i>	Mr. Dickinson,	ay	ay
<i>Mass's Bay,</i> Mr. S. Adams	ay		<i>Maryland,</i>	Mr. Paca,	no	
	Gerry,	ay		Henry,	no	no
	Lovell,	ay		Jenifer,	ay	
	Holten,	ay	<i>Virginia,</i>	Mr. Smith,	no	
<i>Rhode-Island,</i> Mr. Ellery,	ay	ay		Griffin,	no	no
	Collins,	ay		Fleming,	no	
<i>Connecticut,</i> Mr. Sherman,	ay	ay	<i>N.-Carolina,</i>	Mr. Penn,	no	
<i>New-York,</i> Mr. Jay,	no			Burke,	no	no
	Duane,	no		Sharpe,	no	
	Floyd,	ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	div.
<i>Pennsylvania,</i> Mr. Armstrong,	ay			Drayton,	no	
	Shippen,	ay				
	Searle,	ay				
	Muhlenberg,	ay				
	M'Clene,	ay				
	Wynkoop,	ay				

So it was resolved in the affirmative, and that part of the main question set aside.

The previous question being put on the latter part, passed in the affirmative, and that part was also set aside.

#### WEDNESDAY, June 9, 1779.

*Ordered,* That Mr. Floyd and Mr. S. Adams have leave of absence.

On motion of Mr. Dickinson, seconded by Mr. Burke,

*Resolved,* That the management of all business relating to the marine of these United States, be vested in commissioners.

#### THURSDAY, June 10, 1779.

The board of war, to whom was referred a memorial of captain Loizeau, brought in a report; Whereupon,

*Ordered,* That major-general Gates be directed to enquire into the case of Augustin Loizeau, a Canadian, late a captain in col. James Livingston's regiment, and dismissed from the service pursuant to the sentence of a court-martial, held in January last in the state of Rhode-Island, and report to Congress the result of such enquiry, and his opinion whether, from a consideration of all circumstances, capt. Loizeau merits forgiveness and to be restored to his rank in said regiment or not.

The board of war having further reported,

That Mons. Garanger and his brother were engaged under the contract with Mons. du Coudray, in October, 1776, in the ranks, the memorialist of a captain, and his brother of a lieutenant of bombardiers: that both the memorialist and his brother were made prisoners by the enemy, and detained at New-York for twelve months, until they were exchanged, a few months ago, as French prisoners: that it appears both these gentlemen are entitled to pay under the contract, and as Mons. Garanger produces ample certificates of his knowledge in his profession, and of his good character, it seems to the board proper,

That he proceed to the grand army, there to exhibit such proofs of his talents and merit as may be deemed necessary to enable the commander in chief to certify to Congress the propriety or inexpediency of retaining him in the service of the United States, and in what rank, if he shall entitle himself to a favorable certificate from gen. Washington:

*Resolved,* That Congress agree to the said report.

A motion was made by Mr. Burke, seconded by Mr. Laurens,

"That Silas Deane, esq. be ordered not to depart the United States without the special permission of Congress; and that Arthur Lee, esq. be direct-

ed forthwith to repair to America, in order the better to enable Congress to enquire into the truth of the several allegations and suggestions made by the said Arthur Lee, in his correspondence with Congress, against the said Silas Deane:

When the question was about to be put, the previous question was moved by Mr. Gerry, and seconded by Mr. S. Adams; and a division of the main question being called for,

And on the question to agree to the previous question for ordering Mr. Deane not to depart the United States without the special permission of Congress, the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
<i>Mass'sts-Bay</i> , Mr. S. Adams,	ay		Shippen,	ay	
Gerry,	ay		Searle,	ay	
Lovell,	ay		Muhlenberg,	no	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} div.	M'Clene,	ay	} ay
Collins,	no		Wynkoop,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay	} ay	<i>Maryland</i> , Mr. Paca,	no	} no
Huntington,	ay		Carmichael,	no	
Spencer,	ay		Henry,	no	
<i>New-York</i> , Mr. Jay,	no	} no	Jenifer,	ay	} ay
Duane,	no		Mr. Smith,	no	
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay	Griffin,	no	} no
Fell,	ay		Fleming,	no	
			<i>N.-Carolina</i> , Mr. Penn,	no	} no
			Burke,	no	
			Sharpe,	no	
			<i>S.-Carolina</i> , Mr. Laurens,	no	} no
			Drayton,	no	

So the states were equally divided, and the question lost.

On the question to agree to the main question for ordering Mr. Deane not to depart, &c. the yeas and nays being required by Mr. Holten,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
<i>Mass'sts-Bay</i> , Mr. S. Adams,	no		Shippen,	no	
Gerry,	no		Searle,	no	
Lovell,	no		Muhlenberg,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} div.	M'Clene,	no	} no
Collins,	ay		Wynkoop,	no	
<i>Connecticut</i> , Mr. Sherman,	no	} no	<i>Maryland</i> , Mr. Paca,	ay	} div.
Huntington,	no		Carmichael,	ay	
Spencer,	no		Henry,	no	
<i>New-York</i> , Mr. Jay,	ay	} ay	Jenifer,	no	} ay
Duane,	ay		Mr. Smith,	ay	
<i>New-Jersey</i> , Mr. Scudder,	no	} div.	Fleming,	ay	} ay
Fell,	ay		Griffin,	ay	
			<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
			Burke,	ay	
			Sharpe,	ay	
			<i>S.-Carolina</i> , Mr. Laurens,	ay	} ay
			Drayton,	ay	

So the states were equally divided and the question was lost.

On the question to agree to the previous question on the second part, for directing Mr. A. Lee to repair forthwith to America, &c.

It was resolved in the affirmative, that the main question be not now put.

FRIDAY, June 11, 1779.

A letter, of the 9th, from J. Read, president of the state of Pennsylvania, to the delegates of the said state, was read:

*Ordered*, That it be referred to the committee appointed to prepare a plan for regulating the departments of the quarter-master and commissary-general; and that the committee confer with the supreme executive council of Pennsylvania thereon, and report on Monday next.

The committee, consisting of Mr. Duane, Mr. Burke, Mr. Gerry, Mr. Laurens, Mr. Sherman, and Mr. Smith, to whom were referred sundry plans relative to finance, brought in a report, which was taken into consideration; and thereupon,

*Resolved*, That 20,000,000 of dollars, or such part thereof as shall be brought into the continental loan-offices on or before the first day of October next, to be borrowed on the faith of the United States of America, at an interest of six per cent. per annum.

For facilitating the said loan,

*Resolved*, 1st. That the loan-offices in every state do immediately open subscriptions for the said loan :

2d. That the executive authorities of the several states be requested immediately to appoint persons of character and influence in every county town or district, to receive subscriptions and transmit the same to the loan-officer or officers in the states respectively :

3d. That no subscription be received for less than 500 dollars :

4th. That all subscriptions under 10,000 dollars shall be paid into the loan-office where the same shall be subscribed, or into the hands of the person obtaining the subscription, within 14 days after the subscription shall be made :

5th. That any person subscribing 10,000 dollars, or upwards, shall be allowed to pay the same at two periods, to wit, one half within 14 days after the subscription, the residue on or before the first day of October next : the whole to bear interest from the time of the first payment, provided the other payment shall be punctually made :

6th. That each lender shall have his election either to receive the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills circulating shall not exceed the sum in circulation at the time of the loan.

7th. That interest on all sums which shall be paid into the loan-office before the said first day of October, or which shall be subscribed and paid agreeably to the terms of the 5th resolution aforesaid, shall be payable annually at the continental loan-office of the state in which the money was originally subscribed :

8th. That the loan officers shall transmit to the board of treasury monthly returns of all sums subscribed and received in their respective offices :

9th. That as Congress are bound by every motive of policy, and of public and private justice, to maintain the credit of the paper money emitted by their authority, on the faith of the United States ; so it is their intention not only to avoid further emissions, but to diminish the quantity in circulation, provided that the respective states, by correspondent and vigorous exertions, shall put it in their power to raise the necessary supplies.

On the question to agree to the sixth resolution, the yeas and nays being required by Mr. Smith,

<i>New-Hampshire</i> , Mr. Whipple,	ay	ay	<i>New-Jersey</i> , Mr. Scudder,	ay	ay
<i>Mass'-ette-Bay</i> , Mr. Gerry,	ay		Fell,	ay	ay
S. Adams,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	
Holten,	ay		Shippen,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay	Searle,	ay	ay
Collins,	ay		M'Clene,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay		Wynkoop,	ay	
Huntington,	ay	ay	<i>Delaware</i> , Mr. Dickinson,	ay	ay
Spencer,	ay		M'Kean,	ay	ay
<i>New-York</i> , Mr. Jay,	no		<i>Maryland</i> , Mr. Carmichael,	no	div.
Duane,	ay	a	Jenifer,	ay	
Lewis,	ay		<i>Virginia</i> , Mr. Smith,	no	
			Fleming,	no	no
			Griffin,	no	

<i>N.-Carolina,</i>	Mr. Penn,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Burke,	ay					
	Sharpe,	ay					

So it was resolved in the affirmative.

**SATURDAY, June 12, 1779.**

The board of war having reported a form of a commission for officers of the staff; the same was read, and agreed to as follows :

“The United States of America in Congress assembled, to greeting: We, reposing especial trust and confidence in your patriotism, prudence and fidelity, do by these presents constitute and appoint you to be                      You are therefore faithfully and diligently to discharge the duty of                      by doing and performing all manner of things thereunto belonging. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or committee of Congress for that purpose appointed, a committee of the states, or commander in chief for the time being of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the committee of Congress before mentioned, or a committee of the states.

Witness    president of the Congress  
of the United States of America, at                      the  
day of                      and in the                      year of our independence.

Entered in the war-office, and examined by the board,  
secretary of the board of war.”

Congress took into consideration the report of the committee, consisting of Mr. Drayton, Mr. Harvie, Mr. Witherspoon, to whom was referred the memorial of Dr. John Morgan, late director-general and physician in chief in the general hospitals of the United States, and thereupon came to the following resolutions :

Whereas by the report of the medical committee, confirmed by Congress on the 9th of August, 1777, it appears that Dr. John Morgan, late director-general and chief physician of the general hospitals of the United States, had been removed from office on the 9th of January, 1777, by reason of the general complaint of persons of all ranks in the army, and the critical state of affairs at that time ; and that the said Dr. John Morgan requesting an inquiry into his conduct, it was thought proper that a committee of Congress should be appointed for that purpose : and, whereas, on the 18th day of September last, such a committee was appointed, before whom the said Dr. John Morgan hath in the most satisfactory manner vindicated his conduct in every respect as director-general and physician in chief, upon the testimony of the commander in chief, general-officers, officers in the general hospital department, and other officers in the army, shewing that the said director-general did conduct himself ably and faithfully in the discharge of the duties of his office : therefore,

*Resolved*, That Congress are satisfied with the conduct of Dr. John Morgan while acting as director-general and physician in chief in the general hospitals of the United States ; and that this resolution be published.

**MONDAY, June 14, 1779.**

Mr. Marchant, a delegate from Rhode-Island, attended, and produced the credentials of the delegates from that state, which were read.

The committee, consisting of Mr. Dickinson, Mr. Huntington and Mr. Burke, appointed “to report a plan for putting the quarter-master general



and commissary-general's departments on a different footing with respect to the expenditure of public money," brought in a report, which was read; Whereupon,

*Resolved*, That the quarter-master general be empowered to allow and pay for a wagon, driver and four horses, 13½ dollars, one ration and forage per day; shoeing the horses, if done at the expense of the United States, to be deducted from the wages.

*Resolved*, That it be recommended to these states to exempt all drivers of wagons employed in the service of the United States, from militia duties, and from all fines on that account, while they are engaged in the service; and that such service shall be considered and allowed as their tour of duty in the militia for such time as they are thus engaged.

#### TUESDAY, June 15, 1779.

A letter, of this day, from Dr. J. Morgan, was read, charging Dr. William Shippen, jun. in the service of the United States, with mal-practices and misconduct in office, and declaring his readiness to give before the proper court having jurisdiction, the necessary evidence in the premises against the said Dr. William Shippen.

On motion of Mr. Laurens, seconded by Mr. Drayton,

*Resolved*, That a copy of the said letter be transmitted to the commander in chief, and that he be directed to cause such proceedings to be had thereon, as that the charges alluded to in it be speedily enquired into, and justice done.

*Ordered*, That an extract of the letter, with the above resolution, be transmitted to Dr. Shippen.

#### WEDNESDAY, June 16, 1779.

The committee, consisting of Mr. Jenifer, Mr. Armstrong, and Mr. Sharpe, to whom was referred the letter of the 7th of June, from governor Clinton, brought in a report; Whereupon,

*Resolved unanimously*, That the officers acting under the state of New-York, who were lately restrained of their liberty by certain persons of a district called the New-Hampshire Grants, ought to be immediately liberated.

*Resolved unanimously*, That the committee appointed to repair to the inhabitants of a certain district known by the name of the New-Hampshire Grants, be directed to enquire into the matters and things contained in the letters of gov. Clinton, of the 27th of May, and of the 7th inst. and that copies of the said letters be transmitted to the said committee, and that they be directed to report specially to Congress.

*Resolved unanimously*, That it was not the intention of Congress, by their resolution of the 1st inst. nor ought the same, or any other part thereof, to be construed to hold up principles subversive of, or unfavorable to, the internal policy of any or either of the United States:

That as Congress expect very salutary effects from the appointment of the said committee, therefore all further proceedings on governor Clinton's letter be postponed until they report.

#### FRIDAY, June 18, 1779.

A letter of the 6th, from major-general W. Philips, was read, recommending capt. Featherstone, of the convention troops, who comes to Philadelphia by permission of governor Henry and col. Bland, to be exchanged, and intimating that captain Featherstone should be exchanged as lieutenant, his promotion to a captain-lieutenancy having happened since the convention; Whereupon,

*Resolved*, That captain Featherstone repair immediately to the town of

Mount-Holly, and remain there until the treaty for his exchange-between the commanders in chief of both armies shall be terminated; and that the president write to the general upon that subject, and inform him that Congress have no objection to the captain's exchange as a lieutenant, provided the principle on which the same shall be made be fully established, and that he give orders respecting captain Featherstone's route to New-York, in case the exchange take place.

The committee on the treasury report,

That they have, according to order, prepared bills of exchange on the minister plenipotentiary of the United States at the court of France, in favor of Mr. Caron de Beaumarchais, consisting of fifty sets, six bills to each set, as specified in a schedule annexed, all dated the 15th day of this inst. June, amounting in the whole to 2,400,000 livres tournois, and payable the 15th day of June, 1782; and also six sets, six bills to each set, all dated the same day, drawn on the said minister, in favor of the said Mr. C. de Beaumarchais, for the yearly interest of the said principal sum, at six per cent. being 144,000 livres yearly, in the whole 432,000 livres; the principal and interest so drawn for amounting, in the whole, to 2,832,000 livres, which last mentioned bills for the interest are particularly specified in the said schedule; and that they have also prepared letters of advice of the said bills of exchange to the said minister plenipotentiary; Whereupon,

*Resolved*, That the said draughts be signed by the president of Congress, and entered in the auditor's office as warrants are usually passed, and then delivered to Mr. Francey, agent for the said Mr. de Beaumarchais, on his giving the auditor-general a receipt for the same; and that Mr. de Beaumarchais be charged with the amount of the said principal sum in the books of the treasury.

*Resolved*, That the faith of the United States be pledged to make good any contract or engagement which shall be entered into by the said minister plenipotentiary, or any future minister of these United States at the court of Versailles, for obtaining money or credit to enable him to honor the said drafts and provide for their punctual discharge.

Congress proceeded, in the order of the day, to the subject of finance; Whereupon, a motion was made by Mr. Morris, seconded by Mr. Gerry,

"That when the interest on moneys which have been or may be placed in the several loan-offices on or after the 1st day of March, 1778, shall become due, and be paid, the same shall be increased in proportion to the increase of the sum of continental paper money which may be in circulation after the dates of such loans respectively."

A motion was made by Mr. Duane, seconded by Mr. Burke, to strike out the words "have been or," and the words "on or after the 1st day of March, 1778," and also the words "and be paid," in order after loan office to insert, "on the loan of 20,000,000, voted to be borrowed by the resolution of."

On the question, shall the words moved to be struck out stand? The yeas and nays being required by Mr. Burke,

<i>N. Hampshire,</i>	Mr. Whipple,	ay	ay	<i>New-Jersey,</i>	Mr. Scudder,	no	} div.
<i>Massa'sts-Bay,</i>	Mr. Gerry,	ay	} ay		Fell,	ay	
	Lovell,	ay		<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay
	Holten,	ay			Shippen	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay		Searle,	ay	
	Collins,	ay			Muhlenberg,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay		M'Clene,	ay	} ay
	Huntington,	ay		<i>Delaware,</i>	Mr. Dickinson,	ay	
	Spencer,	ay			M'Kean,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay	<i>Maryland,</i>	Mr. Paca,	no	} no
	Duane,	no			Henry,	no	
	Morris,	ay			Jenifer,	no	

<i>Virginia,</i>	Mr. Smith, Griffin, Fleming,	no ay no	} no	<i>N.-Carolina,</i>	Mr. Penn, Burke,	ay no	} div.
				<i>S.-Carolina,</i>	Mr. Laurens, Drayton,	no no	

So it was resolved in the affirmative.

**MONDAY, June 21, 1779.**

The board of war report, that as the plan of raising a corps of German deserters is laid aside, there is no prospect of employing lieutenant-colonel Klein with advantage to the United States, and that the men of that corps are now reduced to a serjeant and four privates; Whereupon,

*Resolved,* That lieutenant-colonel Klein be informed, that although Congress have a high sense of his zeal, yet as he cannot be usefully employed in the service of the United States, he has permission to retire therefrom.

*Resolved,* That lieutenant-colonel Klein receive one year's pay and subsistence, to enable him to return to Europe.

*Resolved,* That the non-commissioned officers and privates of the intended corps of German volunteers be transferred to the corps commanded by colonel Armand.

**TUESDAY, June 22, 1779.**

Mr. Peabody, a delegate from the state of New-Hampshire, attended, and produced the credentials of his appointment, which were read.

A letter, of the 21st, from J. Reed, president of the state of Pennsylvania, was read, informing, that the inhabitants of the town of York, in this state, having complained to the council of John M'Kallister, a deputy commissary of issues, and forwarded sundry affidavits taken in his presence, from which he appears to have been guilty of peculation and embezzlement of the public stores and provisions, the council have, agreeable to the resolves of Congress, suspended him from pay and employment until Congress shall take farther order respecting him; Whereupon,

On motion of Mr. Morris, seconded by Mr. Gerry,

*Resolved,* That the thanks of Congress be presented to the president and executive council of the state of Pennsylvania, for their vigilance and attention, and that they be requested to cause a prosecution to be commenced against the said John M'Kallister, at the expense of the United States.

Congress proceeded to the election of a commissioner for the board of war; and, the ballots being taken, major-general W. Heath was elected, having been previously nominated by Mr. Ellery.

Congress proceeded to the consideration of the report of the board of war of the 17th; Whereupon,

*Resolved,* That majors, in consideration of their extra duty, acting as brigade inspectors, and majors of brigade, receive 44 dollars per month, in addition to their regimental pay.

*Resolved,* That Congress entertain a grateful sense of the virtue and services of those faithful and zealous soldiers who, at an early period, engaged in the armies of these states during the war; and to encourage a continuance of their exertions, and as far as circumstances admit, to put them on a footing in pecuniary matters with other soldiers, gen. Washington be empowered to order a gratuity of 100 dollars each, to be paid to the men so enlisted during the war; this gratuity to be paid only to such soldiers as enlisted before the 23d day of January, 1779.

*Resolved,* That the adjutant-general for the time being, be also assistant inspector-general.

The committee, consisting of Mr. Floyd, Mr. Witherspoon and Mr. Huntington, to whom was referred the letter of May 20th, from general Parsons, brought in a report; Whereupon,

**Resolved,** That it be recommended to the legislative and executive powers in the several states, more especially those that are adjacent to Long-Island and other places in possession of the enemy, to take the most effectual measures to prevent plundering the inhabitants of such places, and all officers of the army are directed to use their utmost exertions to prevent such practices.

A memorial from the minister plenipotentiary of France, was read, accompanied with a commission by him given to the sieur de St. Hilaire, of vice consul for the port of Alexandria, in Virginia, desiring that the same may be made known:

**Ordered,** That it be referred to the marine committee, and that they take order thereon.

### WEDNESDAY, June 23, 1779.

A memorial from the hon. sieur Gerard, minister plenipotentiary of France, was read, respecting the powers of consuls and vice-consuls:

**Ordered,** That the same be referred to the committee appointed to settle the powers and privileges of consuls.

Congress proceeded to the consideration of the subject of finance, and an amendment having been adopted, by inserting after the word "same," the words "until some more accurate standard of value can be devised,"

A motion was made by Mr. Gerry, seconded by Mr. Duane, to re-consider the motion for inserting those words; and on the question for re-considering, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Armstrong,	no	}	no	
	Peabody,	no				Shippen,	no			
<i>Mass'ats-Bay,</i>	Mr. Gerry,	ay	}	no		Muhlenberg,	no			
	Lovell,	no				M'Clene,	ay			
	Holten,	no			<i>Delaware,</i>	Mr. Dickinson,	no	}	no	
<i>Rhode-Island,</i>	Mr. Ellery.	ay	}	no		M'Kean,	no			
	Marchant,	no			<i>Maryland,</i>	Mr. Paca,	no	}	no	
	Collins,	no	}	no		Carmichael,	no			
<i>Connecticut,</i>	Mr. Sherman,	no				Henry,	no			
	Huntington,	no	}	no		Jenifer,	no	}	no	
	Spencer,	no			<i>Virginia,</i>	Mr. Smith,	no			
<i>New-York,</i>	Mr. Jay,	no	}	no		Griffin,	no			
	Duane,	ay				Fleming,	no	}	no	
	Lewis,	no			<i>N.-Carolina,</i>	Mr. Penn,	no			
<i>New-Jersey,</i>	Mr. Scudder,	ay	}	div.		Burke,	no	}	no	
	Fell,	no			<i>S.-Carolina,</i>	Mr. Laurens,	ay			
						Drayton,	no	}		div.

So it passed in the negative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. Smith.

<i>N.-Hampshire,</i>	Mr. Whipple,	no	}	no	<i>Pennsylvania,</i>	Mr. Armstrong,	ay	}	ay
	Peabody,	no					Shippen,		
<i>Mass'ette-Bay,</i>	Mr. Gerry,	ay	}	ay		Muhlenberg,	ay		
	Lovell	no				M'Clene,	ay		
	Holten,	ay			<i>Delaware,</i>	Mr. Dickinson,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	ay		M'Kean,	ay		
	Marchant,	ay			<i>Maryland,</i>	Mr. Paca,	no	}	no
	Collins,	ay	}	ay		Carmichael,	ay		
<i>Connecticut,</i>	Mr. Sherman	ay				Henry,	no		
	Huntington,	ay	}	ay		Jenifer,	no		
	Spencer,	no			<i>Virginia,</i>	Mr. Smith,	no	}	no
<i>New-York,</i>	Mr. Jay,	ay	}	ay		Griffin,	no		
	Duane,	ay				Fleming,	no		
	Morris,	ay			<i>N.-Carolina,</i>	Mr. Penn,	ay	}	div.
	Lewis,	no	}	div.		Burke,	no		
<i>New-Jersey,</i>	Mr. Scudder,	no			<i>S.-Carolina,</i>	Mr. Laurens,	no	}	no
	Fell,	ay			Drayton,	no			

So it was resolved in the affirmative.

That when the interest on monies which have been or may be placed in the several loan-offices on or after the first day of March, 1778, shall become due and be paid the same, until some more accurate standard of value can be devised, shall be increased in proportion to the increase of the sum of continental paper money which may be in circulation after the dates of such loans respectively.

A motion was made by Mr. Morris, seconded by Mr. Sherman, to reconsider the sixth resolution passed on the 11th, viz.

"That each lender shall have his election either to receive the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills circulating at the time of the loan shall be diminished one-eighth part at the least.

Question put, resolved in the affirmative.

A motion was then made by Mr. Sherman, seconded by Mr. Morris, to strike out the words "shall be diminished one-eighth part at the least;" and after the word "circulating," insert the words "shall not exceed the sum in circulation."

On the question, shall the words moved to be struck out stand? The yeas and nays being required by Mr. Scudder,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
Peabody,	no		Muhlenberg,	no	
<i>Mass'sts-Bay</i> , Mr. Gerry,	no	} no	M'Clene,	no	} no
Lovell,	no		Mr. Paca,	ay	
Holten	no	} no	Carmichael,	no	} no
<i>Rhode-Island</i> , Mr. Ellery,	no		Henry,	no	
Marchant,	no	} no	Jenifer,	no	} *
Collins,	no		Mr. Smith,	no	
<i>Connecticut</i> , Mr. Sherman,	no	} no	Fleming,	no	} no
Huntington,	no		Mr. Penn,	no	
Spencer,	no	} no	Burke,	no	} no
<i>New-York</i> , Mr. Jay,	no		Mr. Laurens,	no	
Duane,	ay	} no	Drayton,	no	} no
Morris,	no				
<i>New-Jersey</i> , Mr. Scudder,	ay	} div.			
Fell,	no				

So it passed in the negative, and the words were struck out:

Question put for inserting the words moved to be inserted: resolved in the affirmative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. Morris,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
Peabody,	ay		Shippen,	ay	
<i>Massa'sts-Bay</i> , Mr. Gerry,	ay	} ay	Muhlenberg,	ay	} ay
Lovell,	ay		M'Clene,	ay	
Holten,	ay	} ay	<i>Delaware</i> , Mr. Dickinson,	ay	} ay
<i>Rhode-Island</i> , Mr. Marchant,	ay		M'Kean,	ay	
Collins,	ay	} ay	<i>Maryland</i> , Mr. Paca,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	ay		Carmichael,	ay	
Huntington,	ay	} ay	Henry,	ay	} no
Spencer,	ay		Jenifer,	no	
<i>New-York</i> , Mr. Jay,	no	} no	<i>Virginia</i> , Mr. Smith,	no	} no
Duane,	ay		Griffin,	ay	
Morris,	no	} no	Fleming,	no	} ay
<i>New-Jersey</i> , Mr. Scudder,	no		<i>N.-Carolina</i> , Mr. Penn,	ay	
Fell,	ay	} div.	Burke,	ay	} no
			<i>S.-Carolina</i> , Mr. Laurens,	no	
			Drayton,	no	

So it was resolved in the affirmative.

THURSDAY, June 24, 1779.

Mr. Penn, a delegate of North-Carolina, laid before Congress the credentials of his re-appointment which were read.

On motion of Mr. Drayton, seconded by Mr. Morris,

*Resolved*, That Sunday the 4th day of July, being the anniversary of the declaration of the independence of these United States, the chaplains of Congress be requested to prepare sermons suitable to the occasion: a farther motion was made,

That the President cause an entertainment to be prepared on the 5th of July, in celebration of the independence of these United States; on which the yeas and nays being required by Mr. Marchant,

<i>N.-Hampshire</i> , Mr. Whipple,	no	}	no	<i>Pennsylvania</i> , Mr. Armstrong,	no	}	
	Peabody,				Shippen,		
<i>Mass'-Bays</i> , Mr. Lovell,	ay	}	+		Searle,	}	ay
	Holten,				Muhlenberg,		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay		M'Clene,	}	ay
	Marchant,			<i>Delaware</i> , Mr. M'Kean,	ay		
	Collins	}	ay	<i>Maryland</i> , Mr. Paca,	ay	}	ay
<i>Connecticut</i> , Mr. Sherman,	no				Henry,		
	Huntington,	}	no		Jenifer,	}	ay
	Spencer,			<i>Virginia</i> , Mr. Smith,	ay		
<i>New-York</i> , Mr. Jay,	ay	}	ay		Fleming,	}	+
	Morris,			<i>N.-Carolina</i> , Mr. Penn,	ay		
	Lewis,	}	ay		Burke,	}	ay
<i>New-Jersey</i> , Mr. Scudder,	no				Sharpe,		
	Fell,	}	no	<i>S.-Carolina</i> , Mr. Laurens,	no	}	div.
					Drayton,		

So it was resolved in the affirmative.

*Resolved*, That a committee of three be appointed to assist the President in regulating the said entertainment: the members chosen, Mr. Searle, Mr. Lovell, and Mr. Paca.

According to the order of the day, Congress proceeded to the election of a clothier-general; and, the ballots being taken, Mr. Peter Wikoff was elected, having been previously nominated by Mr. Armstrong.

#### FRIDAY, June 25, 1779.

Congress proceeded to the consideration of the subject of finance, when a motion was made by Mr. Sherman, seconded by Mr. Gerry, to re-consider the 8th resolution passed the 11th inst. viz.

“That the securities to be given for all sums so borrowed shall be made payable to the lender or to his special attorney, executor or administrator;”

On the question for re-considering, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}	
	Peabody,				Searle,		
<i>Mass'-Bays</i> , Mr. Gerry,	ay	}	ay		Muhlenberg,	}	ay
	Lovell,				M'Clene,		
	Holten,	}	ay	<i>Delaware</i> , Mr. Dickinson,	ay	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay			<i>Maryland</i> , Mr. Paca,	no		
	Marchant,	}	ay		Carmichael,	}	no
	Collins,				Henry,		
<i>Connecticut</i> , Mr. Sherman,	ay	}	ay		Jenifer,	}	no
	Spencer,			<i>Virginia</i> , Mr. Griffin,	ay		
<i>New-York</i> , Mr. Jay,	no	}	ay		Fleming,	}	+
	Duane,			<i>N.-Carolina</i> , Mr. Penn,	no		
	Lewis,	}	ay		Burke,	}	no
<i>New-Jersey</i> , Mr. Scudder,	ay			<i>S.-Carolina</i> , Mr. Laurens,	no		
	Fell,	}	ay		Drayton,	}	no

So it was resolved in the affirmative.

On motion of Mr. Sherman, seconded by Mr. Gerry,

*Resolved*, That the said resolution be repealed.

*Ordered*, That loan-office certificates for borrowing 20,000,000 of dollars, agreeably to the resolution of the 11th inst. be prepared and sent to the se-



veral loan-offices, under the direction of the board of treasury, and consist of such denominations as they shall judge expedient.

**SATURDAY, June 26, 1779.**

The board of war, to whom was referred the memorial of the Rev. Mr. M'Murdie, complaining of the appointment of the Rev. Mr. Rogers to be chaplain of the 3d Pennsylvania brigade as an injury done to him, report, "that they have conferred with Mr. M'Murdie on the subject of his memorial; and that Mr. M'Murdie has, in the opinion of the board, assigned no sufficient reason to induce them to recommend a repeal of the appointment of Mr. Rogers;" Whereupon,

*Resolved*, That Mr. M'Murdie be informed, that as there is no vacancy for a chaplain in the Pennsylvania brigades, no appointment as such can be given to him.

The committee on the treasury having taken into consideration a letter and order of the honourable council of the state of Massachusetts-Bay of the 8th of June, inst. containing their opinion in consequence of the request of Congress, on a proper allowance to be made to Jonathan Loring Austin, for his services and expenses in carrying despatches and transacting business in France, and on the mode of payment, report,

That agreeable to the opinion of the said board, the commissioners of these United States at Paris, be directed to discharge the account of Mr. Austin with the late house of Messrs. Plearne, Pennet, & Co. in Nantz, to the amount of 6400 livres, and to charge the same to these United States, together with the further sum of 130 louis d'ors, advanced him by the said commissioners, as set forth in his memorial to Congress, in full compensation for his time and services aforesaid.

*Resolved*, That Congress agree to the said report.

**MONDAY, June 28, 1779.**

The marine committee, to whom was referred the paper signed Holker, and transmitted to Congress by the minister of France on the 21st, respecting Francis Fleury, carried by force on board the armed ship General Green, brought in a report; Whereupon,

*Resolved*, That a copy of the said paper be transmitted to his excellency the President and the honourable the supreme executive council of the state of Pennsylvania, that justice may be done in the premises.

The committee, consisting of Mr. Sherman, Mr. Morris and Mr. Scudder, to whom was referred a remonstrance and petition of the legislative council and general assembly of the state of New-Jersey, brought in a report; Whereupon,

*Resolved*, That when vacancies of commissioned officers happen in any of the regiments raised by the respective states for the continental army, notice thereof shall be given to the executive authority of the state to which the regiment belongs, by the commanding-officer of such regiment, to the end that proper persons may be appointed to fill such vacancies, agreeable to the resolution of the 8th of March last, having due regard to the rules of promotion recommended by a resolution of Congress of the 24th of November, 1778.

*Ordered*, That a copy of this resolution be transmitted to governor Livingston, and that he be informed, that it was judged expedient in the late arrangement of the army, to authorize the committee appointed for that purpose, in concurrence with the commander in chief, not only to dismiss supernumerary and unqualified officers, but to fill vacancies by promotion of good officers who had been appointed by the respective states, and stood fair for promotion in the proper line of succession; but if there has been any infringe-

ment of the right of the state of New-Jersey, or any other state, by excluding good officers not supernumerary, or filling vacancies by new creations, Congress will be ever ready to redress any grievances of that kind when particularly pointed out.

The committee, consisting of Mr. M'Kean, Mr. Lovell and Mr. Paca, to whom was referred the memorial of Messrs. John Cox and Charles Petit, assistant quarter-masters general, report that they have come to the following resolutions thereupon, viz.

That Congress cannot in any manner controul the legislature of New-Jersey in the internal police of said state :

That it is not to be presumed that any citizen will be unjustly or oppressively taxed in any state, without remedy by appeal or otherwise within the same :

*Resolved*, That Congress agree to the said report.

The delegates of Massachusetts-Bay laid before Congress an act of the legislature of that state, respecting their powers, which was read as follows :

“ STATE OF MASSACHUSETTS-BAY.

*In the House of Representatives, June 10, 1779.*

Whereas inconveniences may arise in consequence of a resolve of the general court of the 15th of October last, which requires that three of the members chosen to represent this state in Congress should be present, in order to exercise the powers with which by that resolve they are vested ; therefore,

*Resolved*, That any two of the gentlemen chosen to represent this state, or when more are present in Congress, a major part of the same be, and they are hereby empowered, for and in behalf of this state, to exercise all the powers which in the said resolve of the 15th of October are particularly mentioned ; although it is still expected that four of the said gentlemen constantly attend upon the business of their delegation.

Sent up for concurrence, J. HANCOCK, *Speaker*.

In council, June 15, 1779, read and concurred,

JOHN AVERY, *Deputy Secretary*.

Consented to by the major part of the council.

True copy. Attest. JOHN AVERY, *Deputy Secretary*.”

*Ordered*, That Mr. Jenifer have leave of absence.

TUESDAY, June 29, 1779.

A letter from major Burkhart of the German battalion, was read, requesting leave to resign ;

*Ordered*, That it be referred to the board of war.

The committee on the treasury brought in a report ; Whereupon, Congress passed the following resolutions :

Whereas the allowance of 2-90th parts of a dollar upon every 100 dollars, made to the commissioners for destroying bills of credit taken out of circulation by order of Congress, is, in consequence of the time which they have necessarily spent in conducting this business, inadequate to their services :

*Resolved*, That in lieu of such allowance, the said commissioners be entitled to receive 5-90th parts of a dollar for every 100 dollars so destroyed ; and that the allowance for future service be divided amongst them in proportion to the number of dollars which shall be counted by them respectively.

*Resolved*, That an additional commissioner be appointed for destroying bills as aforesaid

The board having nominated Samuel Downe, esq. to be appointed commissioner for destroying bills called out of circulation :

Congress proceeded to the election : and, the ballots being taken, Mr. Samuel Downe was chosen.

The committee on the treasury having arranged the several resolutions for borrowing 20,000,000 dollars, reported the same for publication as follows:

As Congress are bound by every motive of policy, and of public and private justice, to maintain the credit of the paper money emitted by their authority on the faith of the United States, so it is their intention, not only to avoid further emissions, but to diminish the quantity in circulation, provided that the respective states, by correspondent and vigorous exertions, shall put it in their power to raise the necessary supplies.

*Resolved, therefore,* That 20,000,000 of dollars, or such part thereof as shall be brought into the continental loan-offices on or before the first day of October next, be borrowed on the faith of the United States, at an interest of six per cent. per annum.

For facilitating the said loan,

*Resolved,* 1st. That the loan-officers in every state do immediately open subscriptions for the said loan :

2d. That the executive authorities of the several states be requested immediately to appoint persons of character and influence in every county, town or district, to receive subscriptions and transmit the same to the loan-officer or officers in the states respectively.

3d. That no subscription be received for less than 500 dollars :

4th. That all subscriptions under 10,000 dollars shall be paid into the loan-office where the same shall be subscribed, or into the hands of the person obtaining the subscription, within 14 days after the subscription shall be made :

5th. That any person subscribing 10,000 dollars, or upwards, shall be allowed to pay the same at two periods, to wit, one half within 14 days after the subscription, the residue on or before the 1st day of October next : the whole to bear interest from the time of the first payment, provided the other payment shall be punctually made.

6th. That each lender shall have his election either to receive the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills in circulation shall not exceed the sum in circulation at the time of the loan.

7th. That interest on all sums which shall be paid into the loan-office before the said first day of October, or which shall be subscribed and paid agreeably to the terms of the 5th resolution aforesaid, shall be payable annually at the continental loan-office of the state in which the money was originally subscribed.

8th. That when the interest on monies which have been or may be placed in the several loan-offices on or after the first day of March, 1778, shall become due and be paid, the same, until some more accurate standard of value can be devised, shall be increased in proportion to the increase of the sum of continental paper money which may be in circulation after the date of such loans respectively.

*Ordered,* That the loan-officers transmit to the board of treasury monthly returns of all sums subscribed and received in their respective offices.

### WEDNESDAY, June 30, 1779.

The board of war having reported that major-general Gates, and colonel Sheppard, now commanding brigadier Glover's brigade, have warmly recommended the reverend Mr. Van Horne for an appointment of brigade chaplain :

*Resolved,* That the reverend Mr. Wm. Van Horne be appointed chaplain to the brigade now, or lately under the command of brigadier-general Glover, and that he be considered and respected as such.

The committee, consisting of Mr. T. Adams, Mr. Holten, and Mr. Fre-

linghausen, to whom was referred a letter from Joseph Palmer, report as their opinion,

That as Congress, on the 29th day of December, 1775, earnestly recommended to the several assemblies or conventions, immediately to promote, by sufficient public encouragements, the making salt in their respective colonies, the letter from Joseph Palmer, esq. together with his plan for making bay salt, be referred to the general assembly of the state of Massachusetts-Bay :

*Resolved*, That Congress agree to the said report.

FRIDAY, July 2, 1779.

A memorial from Major Burkhart was read; Whereupon,

*Resolved*, That his resignation be accepted.

A letter, of the 1st, from Ethan Allen and Jonas Fay, was read, enclosing a paper endorsed Col. Allen and Dr. Fay's appointment and instructions, and accompanied with a book, entitled "Acts and laws of the state of Vermont in America."

*Ordered*, To lie on the table.

The committee on the treasury, to whom was re-committed their report of the 25th of June, for allowing farther time to bring in the emissions called out of circulation, reported the following resolutions :

Whereas the legislature of the state of North Carolina have represented, that from the difficulties of communicating intelligence in that state, and the remote situation of many of its inhabitants, it was impossible that they should receive seasonable notice to carry the money of the emissions of May 20th, 1777, and April the 11th, 1778, to the proper officer by the time limited by Congress, and have therefore requested Congress to grant such further time for that purpose, that the inhabitants of the said state may not be injured ; and whereas it is also represented to Congress, that many persons in the different states have been prevented by unforeseen causes from complying with the said resolution : and whereas it was not the intention of Congress that individuals possessed of the said bills should sustain any further inconvenience than such as arose from the necessary cautions against counterfeits :

*Resolved therefore*, That all bills of the said emissions which shall be brought into the continental loan-offices, before the first day of January next, shall, at the election of the owners, be received either on loan or to be exchanged for other bills ; and that the same rules and precautions as are provided for registering, certifying and defacing the bills of the said emissions received by the respective commissioners of the loan-offices before the first day of June last, be observed in respect to all bills of the said emissions which shall be brought in by virtue of this resolution. Provided that each holder of such bills shall previously take the following oath or affirmation, and cause to be delivered to the respective commissioners of the continental loan-offices a certificate thereof, signed by the magistrate administering the same :

" I do swear (or solemnly affirm) that dollars, of the emissions of May 20th, 1777, and April 11th, 1778, of the following numbers and denominations, viz. were my property or in my possession on the first of June, 1779, or at the time of my being informed of the resolution of Congress of the 2d of January, 1779, for taking the said emissions out of circulation, and were not obtained directly or indirectly at a discount."

That the commissioners of the continental loan-offices be authorized to pay off the indented certificates which they shall have issued for exchanging bills of the emissions of May 20th, 1777, and April 11th, 1778, to any persons

to whom such certificates may be endorsed, provided that each endorsement shall be witnessed by a magistrate:

That the commissioners of the several continental loan-offices make returns to the board of treasury immediately after the 1st day of January next, of the amount of the bills received in their respective offices after the said first day of June to be exchanged as aforesaid; and that for this purpose proper bills be lodged at the said offices within 60 days from and after the first day of January aforesaid.

A motion was made by Mr. Gerry, seconded by Mr. Burke, to strike out the words, "2d of January for taking the said emissions out of circulation," and in lieu thereof insert, "2d of July for granting further time to bring in the said emissions."

On the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. Sharpe,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}	ay
Peabody,	ay			Searle,	ay		
<i>Massa'sts-Bay</i> , Mr. Gerry,	no	}	ay	Muhlenberg,	ay		
Lovell,	ay			M'Clene,	ay		
Holten,	ay	}	ay	<i>Delaware</i> , Mr. M'Kean,	ay	}	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay			<i>Maryland</i> , Mr. Henry,	no		
<i>Connecticut</i> , Mr. Sherman,	ay	}	ay	Carmichael,	no	}	no
Huntington,	ay			<i>Virginia</i> , Mr. Smith,	no		
Spencer,	ay	}	ay	Griffin,	no	}	no
<i>New-York</i> , Mr. Lewis,	ay			Fleming,	no		
<i>New-Jersey</i> , Mr. Scudder,	ay	}	ay	<i>N.-Carolina</i> , Mr. Penn,	no	}	no
Fell,	ay			Burke,	no		
				Sharpe,	no		
				<i>S.-Carolina</i> , Mr. Laurens,	ay	}	ay
				Drayton,	ay		

So it was resolved in the affirmative.

A motion was made by Mr. Smith, seconded by Mr. Fleming, to strike out the words, "and were not obtained directly or indirectly at discount."

On the question, shall those words stand? the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}	ay
Peabody,	ay			Searle,	ay		
<i>Massa'sts-Bay</i> , Mr. Gerry,	ay	}	ay	Muhlenberg,	ay		
Lovell,	ay			M'Clene,	ay		
Holten,	ay	}	ay	<i>De'aware</i> , Mr. M'Kean,	ay	}	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay			<i>Maryland</i> , Mr. Carmichael,	ay		
<i>Connecticut</i> , Mr. Sherman,	ay	}	ay	Henry,	no	}	div.
Huntington,	ay			<i>Virginia</i> , Mr. Smith,	no		
Spencer,	ay	}	ay	Griffin,	no	}	no
<i>New-York</i> , Mr. Lewis,	ay			Fleming,	no		
<i>New-Jersey</i> , Mr. Scudder,	ay	}	ay	<i>N.-Carolina</i> , Mr. Burke,	ay	}	ay
Fell,	ay			Sharpe,	ay		
				<i>S.-Carolina</i> , Mr. Laurens,	ay	}	ay
				Drayton,	ay		

So it was resolved in the affirmative.

A motion was made by Mr. Burke, seconded by Mr. Sharpe, to strike out the whole proviso, including the oath.

And, on the question, shall it stand? The yeas and nays being required by Mr. Sharpe,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	ay	<i>New-Jersey</i> , Mr. Scudder,	ay	}	ay
Peabody,	ay			Fell,	ay		
<i>Massa'sts-Bay</i> , Mr. Gerry,	ay	}	ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}	ay
Lovell,	ay			Shippen,	ay		
Holten,	ay	}	ay	Searle,	ay		
<i>Rhode-Island</i> , Mr. Marchant,	ay			Muhlenberg,	ay		
<i>Connecticut</i> , Mr. Sherman,	ay	}	ay	M'Clene,	ay	}	ay
Spencer,	ay			<i>Delaware</i> , Mr. M'Kean,	ay		
<i>New-York</i> , Mr. Lewis,	ay	}	ay	<i>Maryland</i> , Mr. Carmichael,	ay	}	ay



<i>Virginia,</i>	Mr. Smith,	no } +	<i>N.-Carolina,</i>	Mr. Penn,	no }
	Fleming,	no }		Burke,	no } no
				Sharpe,	no }
			<i>S.-Carolina,</i>	Mr. Drayton,	no } no

So it was resolved in the affirmative.

Question put to agree to the report: resolved in the affirmative.

On motion of Mr. Gerry, seconded by Mr. M'Kean,

Whereas it will require time to provide loan-office certificates for borrowing 20,000,000 of dollars, in pursuance of the resolutions of Congress of the 29th of June last:

*Resolved,* That loan-office certificates, of any denomination, already struck by order of Congress, be issued for the purpose of the said loan; any thing contained in the said certificates to the contrary notwithstanding:

That the board of treasury be authorized to order the treasurer of loans to transmit to the several commissioners of the continental loan-offices, such of the said certificates as are in his possession; and that the certificates ordered to be struck the 25th of June last, be not issued until the further order of Congress.

*Ordered,* That Mr. Ellery have leave of absence.

#### SATURDAY, July 3, 1779.

A letter, of the 2d, from J. Prowell, was read; Whereupon, Congress came to the following resolution:

It being represented to Congress that their resolution of the 5th of June last, vacating the commission of major, granted to captain Prowell, in the 11th Pennsylvania regiment, has been misunderstood:

*Resolved,* That the sole reason for vacating the said commission was the claims of elder captains in the Pennsylvania line, over whom it appeared that he had been promoted by mistake, and not any fault or want of merit in captain Prowell, of whose character, as an useful officer, Congress entertain a favourable opinion.

A letter, of this day, from Henry Shrubb, ensign in the German battalion, was read, desiring leave to resign his commission:

*Resolved* That his resignation be accepted.

The board of war, to whom was referred a letter of the 25th of June from A. Henderson, report,

That the resignation of captain Alexander Henderson, deputy-commissary of military-stores, be accepted.

*Resolved,* That Congress agree to the said report.

The committee on the treasury brought in a report:

Whereas by a resolution of Congress, passed the 22d day of May last, upon application of the state of Connecticut, a warrant issued on the treasury in favour of their delegates, for 150,000 dollars, the said state to be accountable, and to repay the same to the commissioner of the continental loan-office, in the month of August next, with interest at six per cent. And whereas his excellency Jonathan Trumbull, esq. governor of the said state, has represented to Congress, that before the arrival of the said money, other provision was made for the purpose of the said application, but as orders for recruiting their quota of the deficiency of the continental army are issued, and no money transmitted for that purpose, the general assembly of the said state request that Congress will charge the said state with the said loan, not as a loan according to the first intention, but on account of recruiting and clothing their quota of the deficiency of the continental troops aforesaid, without any charge of interest:

*Resolved,* That the said request be complied with, and the money so received be charged to the said state as so much advanced for recruiting and



clothing their quota of the deficiency of continental troops, and for which the said state is to be accountable.

*Resolved*, That his excellency the governor and council of Connecticut be requested, if they shall judge it expedient, to make a further allowance in addition to what has already been made by Congress, to Jesse Brown, whilst riding express in the service of the United States, charging such allowance to the states aforesaid.

#### TUESDAY, July 6, 1779.

A letter, of the 3d, from the board of war, was read; Whereupon,

*Resolved*, That Margaret Corbin, who was wounded and disabled in the attack on Fort Washington, whilst she heroically filled the post of her husband who was killed by her side serving a piece of artillery, do receive, during her natural life, or the continuance of the said disability, the one-half of the monthly pay drawn by a soldier in the service of these states; and that she now receive out of the public stores, one complete suit of clothes, or the value thereof in money.

*Resolved*, That in consideration of their extra duties and service, the officers in the army of these states, serving as sub and brigade inspectors, be allowed, the former three rations a day and forage for three horses, and the latter two rations a day and forage for two horses, in lieu of all former rations and forage, both as officers in the line and as inspectors; their subsistence money as officers in the line to remain as heretofore.

A memorial from the minister plenipotentiary of France, was read; Whereupon,

*Resolved*, That it be recommended to his excellency the governor of Maryland to permit the ship Defence, which is loaded with provisions for the fleet of his most Christian majesty, to depart and carry her cargo to the place of her destination; and that care be taken that she carry no other provision than the above, and what may be necessary for the use of the crew.

#### WEDNESDAY, July 7, 1779.

A letter, of the 1st, from major-general Heath, was read, desiring to be informed what the duties of the commissioners of the board of war are, and whether, in case of his acceptance of the office, he will retain his rank in the army:

*Ordered*, That major-general Heath be furnished with a copy of the resolutions establishing the board of war and defining its powers, and that he be informed he will retain his rank, but be paid only as a commissioner of the board.

#### THURSDAY, July 8, 1779.

On motion of Mr. Gerry, seconded by Mr. Marchant,

*Resolved*, That a standing committee of three be appointed to correspond with the commanding-officer in South-Carolina and Georgia, and report, from time to time, the necessary measures for defending the said states: the members chosen, Mr. Laurens, Mr. Marchant and Mr. Holten.

Whereas Jonathan Trumbull, jun. esq. has represented to the board of treasury, that the trust reposed in him for settling the accounts of the deputies and agents of the late commissary-general, Joseph Trumbull, deceased, cannot be discharged without more assistance than is allowed by the resolution of Congress of the 5th of May last:

*Resolved*, That the board of treasury be authorized to employ so many additional accountants or clerks to assist in the execution of the said trust as they shall judge necessary.

#### FRIDAY, July 9, 1779.

Mr. Houston, a delegate for New-Jersey, attended, and produced the credentials of his appointment, which were read.

Congress proceeded to the consideration of the reports of the committee, consisting of Mr. Dickinson, Mr. Huntington and Mr. Burke, appointed on the 28th of May to make strict enquiry into the alarming expenses in the commissary-general's, quarter-master-general and medical departments, and to whom was referred a letter of the 3d, from J. Cox and Charles Petit, assistant quarter-masters general; and, thereupon,

**Resolved**, That the executive powers of each state be earnestly requested instantly to make the strictest enquiry into the conduct of every person within such state respectively employed, either in the quarter-master general or purchasing or issuing commissary-general's departments, and in case of any kind of misbehaviour or strong suspicion thereof in any such person not being an officer immediately appointed by Congress, to remove or suspend every such person, ordering him at their discretion to be prosecuted at the expense of the United States, and to appoint another in his place, if necessary, and so, from time to time, as occasion may be, giving notice to the board of war, and also to the quarter-master general or commissary-general in whose department such removal or suspension shall be, of the change; the person so appointed to have the same authority and pay which the person removed had been vested with and entitled to, or such pay as the said executive powers respectively shall agree for, to be in like manner subject to the head of the department to which he belongs, and to observe all the regulations for the government of deputy quarter-masters and deputy commissaries respectively; and that the executive powers of each state be in like manner requested to enquire into the number of persons employed in the quarter-master general's and commissary's departments, and immediately to discharge such as shall be judged unnecessary.

On which the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
	Peabody,			Shippen,	
<i>Mass'-ts-Bay</i> , Mr. Gerry,	ay	} ay		Atlee,	
	Holten,			Searle,	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay		M'Clene,	} ay
	Collins,		<i>Delaware</i> , Mr. M'Kean,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay	} ay	<i>Maryland</i> , Mr. Carmichael,	ay	} ay
	Huntington,			Henry,	
	Spencer,		<i>Virginia</i> , Mr. Smith,	no	} ay
<i>New-York</i> , Mr. Jay,	ay	} ay		Griffin,	
	Duane,			Fleming,	
	Lewis,		<i>N.-Carolina</i> , Mr. Burke,	ay	} ay
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay		Sharpe,	
	Fell,		<i>S.-Carolina</i> , Mr. Drayton,	ay	} ay
	Houston,				

So it was resolved in the affirmative.

SATURDAY, July 10, 1779.

A letter, of the 9th, from P. Wikoff, was read, declining to accept the office of clothier-general.

The board of war, to whom was referred the letter from maj. gen. Gates, in recommendation of captain Bancke, brought in a report; Whereupon,

**Resolved**, That captain Bancke be informed that although Congress have a high sense of his merit and are obliged by his offers to serve in the army of these United States, yet they find it impracticable to employ him suitably to his wishes.

That in consideration of the peculiar circumstances of capt. Bancke's case, the expenses he has incurred, and the losses by him sustained, the sum of 3000 dollars be paid to him, to enable him to return to Europe; and that until a convenient passage can be procured by capt. Bancke, he proceed to the army under the command of major-general Gates, who is authorized to

employ him, during his necessary stay in America, in such way as the general shall think most conducive to the good of the service and agreeable to captain Bancke.

**MONDAY, July 12, 1779.**

Mr. Forbes, a delegate from Maryland, attended, and took his seat.

*Resolved*, That on Thursday next, immediately after reading the journal, Congress proceed to the election of a clothier-general.

On a report of a committee, consisting of Mr. Armstrong, Mr. Nelson, Mr. Burke, Mr. Paca, and Mr. Morris, to whom was referred an extract of a letter from his excellency the governor of North-Carolina, to the delegates of the said state, requesting that the troops of that state in the continental line, may be ordered to march to the southward for the defence of South-Carolina,

*Resolved*, That the season of year renders it dangerous to the lives of the men, and that it will in other respects be inexpedient to march the troops of North-Carolina in the continental line, from the main army to the southern states, but that as soon as it can consistently be done, Congress will cheerfully comply with the request of the said state. In the mean time, Congress earnestly recommend it to the state of North-Carolina, to afford the army in South-Carolina the reinforcements of which they stand in need, agreeably to their former recommendation.

**TUESDAY, July 13, 1779.**

On a report from the board of war,

*Resolved*, That capt. M'Lane's company, now attached to the Delaware regiment, and the dismounted dragoons belonging to major Lee's partizan corps, be formed into a fourth troop and added to the corps: this troop to be commanded by capt. M'Lane, and to serve on foot: the numbers of which it is to consist, to be ascertained, and the rest of the officers thereof to be appointed by the commander in chief.

Mr. Witherspoon and Mr. Atlee, two of the members of the committee appointed to go to the New-Hampshire grants, laid before Congress an account of their proceedings, which was read.

**WEDNESDAY, July 14, 1779.**

The board of war, to whom was referred the case of Harman Baron Zedwitz, brought in a report: Whereupon,

*Resolved*, That Harman Baron Zedwitz, formerly a lieutenant-colonel in the service of these states, and who, for certain traiterous practices, was sentenced by a court-martial to be confined during the war, be nevertheless, in consideration of his own unhappy condition, after a confinement of near three years, and the consequent distress of his wife and children, permitted to depart these states, together with his family, on giving his parole not to bear arms against the United States or their allies during the war; and that the marine committee be directed to provide a passage for them in a continental vessel to the West-Indies, and furnish necessaries for the voyage thither, from whence they may return to their friends in Europe.

**THURSDAY, July 15, 1779.**

Mr. Perzifor Frazer was nominated by Mr. M'Kean for the office of clothier-general:

Congress proceeded to the election; and, the ballots being taken, Mr. Perzifor Frazer was elected.

On motion of Mr. M'Clene, seconded by Mr. Marchant,

*Resolved*, That the marine committee be, and they hereby are directed forthwith to cause the crews of vessels captured from the enemy, to be con-

fined on board prison-ships, and supplied and treated in all respects in the same manner as the crews of vessels belonging to these United States and captured by the enemy, are supplied and treated.

FRIDAY, *July 16, 1779.*

The board of war report,

That they have attended to the letter of colonel John Brown, relative to colonel James Easton, referred to them, and upon examining into the case of colonel Easton, they find that a charge had been exhibited against him and colonel Brown, then major Brown, by general Arnold, for plundering the effects of prisoners taken at Sorel: that on the 26th of April, 1776, Congress resolved that the commissioners from Congress in Canada, should be instructed to cause enquiry to be made by a court-martial, or otherwise, into the said charge, so far as it respected colonel Easton: that on the 1st of August, 1776, Congress resolved that colonel John Brown should be allowed the rank and pay of a lieutenant-colonel in the continental army from the 20th day of November, 1775, to that time:

That James Easton was entitled to the rank of colonel in the continental army from the 1st day of July, 1775, and to the pay of a colonel from that day until he should be discharged, which it was declared ought to be done as soon as a court of enquiry should report in his favor, or a court-martial should determine upon his conduct, and their sentence be carried into execution: that it seems no such enquiry or court-martial has ever been, and at this late period, probably never will be held: that it was the duty of col. Easton long since to have procured such court to sit, or if that had been found impracticable, to have informed Congress thereof: that it does not appear he has done or attempted to do either, but has contentedly drawn his pay to this time;" Whereupon,

*Resolved*, That colonel James Easton be dismissed from the service of the United States.

A letter, of the 14th, from the board of war, was read, enclosing a letter of the 26th of June from Samuel Safford, lieutenant-colonel, informing, that William Sherman, pay-master of colonel Warner's regiment, had offered to resign, which, as he has not settled the accounts of the regiment since raised, and has in his hands a considerable sum of money which is its due, the said lieutenant-colonel thinks ought not to be admitted until his accounts are settled.

SATURDAY, *July 17, 1779.*

A letter, of the 17th, from Ann Conyngham, and a petition from a number of the inhabitants of Philadelphia, were read, representing that captain Gustavus Conyngham, now a prisoner with the enemy, is closely confined and ordered to be sent to England, and praying that measures may be taken for the security of his person:

*Ordered*, That the same be referred to a committee of three: the members chosen, Mr. Morris, Mr. Dickinson, and Mr. Whipple.

The board of war, to whom was referred a petition from Mr. S. de Lucena, brought in a report; Whereupon,

*Resolved*, That Mr. de Lucena has no just claim upon the United States for a reimbursement of his expenses incurred in searching for sulphur mines, as set forth in his petition.

On a recommendation and report of the board of war,

*Resolved*, That William Wallace be appointed second lieutenant in colonel Harrison's regiment of artillery, his commission to bear date May 1st, 1779: that John Carson be appointed second lieutenant in ditto, his commission to bear date May 2d, 1779: that Benjamin Mosely, jun. be appointed second lieutenant in the said regiment, his commission to bear date May 3d, 1779: that Alexander Thompson be appointed second lieutenant in col-

onel Lamp's regiment of artillery, his commission to bear date May 31st, 1779 : that Henry Savage and Moses Porter be appointed second lieutenants in colonel Crane's regiment of artillery, their commissions to bear date April 21st, 1779.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That 5,000,180 dollars be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of the following denominations, viz.

27,028 bills of 80 dollars each,	2,162,240	27,028 bills of 3 dollars each,	81,084
27,028 do. 70	1,891,960	27,028 do. 2	54,056
27,028 do. 20	540,560	27,028 do. 1	27,028
27,028 do. 5	135,140		
27,028 do. 4	108,112		<u>5,000,180</u>

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 7th day of May last, and be numbered from the last number in each respective denomination progressively.

*Resolved*, That the further sum of 10,000,100 dollars, in bills of credit of the United States, be emitted under the direction of the board of treasury, and on the faith of the United States ;

That the bills shall, excepting the numbers, be of the same tenor and date as the emissions directed on the 4th of June last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz :

45,455 bills of 60 dollars each,	2,727,300	45,455 bills of 8 dollars each,	363,640
45,455 do. 50	2,272,750	45,455 do. 7	318,185
45,455 do. 40	1,818,200	45,455 do. 5	227,285
45,455 do. 30	1,363,650		
45,455 do. 20	909,100		<u>\$10,000,100</u>

On application of the committee of commerce,

*Resolved*, That a commission for a private vessel of war be granted to the said committee of commerce, to be by them granted to such person as they judge proper, under the same conditions as the like commissions are granted by the respective states.

The committee to whom were referred the petition and letter respecting Gustavus Conyngham, brought in a report ; Whereupon,

*Resolved*, That the following letter from the secretary of Congress be written to the admiral or other commanding officer of the fleets or ships of his Britannic majesty, lying in the harbor of New-York :

SIR : I am directed by the Congress of the United States of America to inform you that they have received evidence that Gustavus Conyngham, a citizen of America, late commander of an armed vessel in the service of the said states, and taken on board a private armed cutter, hath been treated in a manner contrary to the dictates of humanity and the practice of Christian civilized nations. I am ordered in the name of Congress to demand that good and sufficient reasons be given for this conduct, or that the said Gustavus Conyngham be immediately released from his present rigorous and ignominious confinement.

With all due respect, I have the honor to be,

Sir, your most obedient and humble servant.

*Resolved*, That unless a satisfactory answer be received to the foregoing letter on or before the first day of August next, the marine committee do immediately cause to be confined, in close and safe custody, such and so many persons as they may think proper, in order to abide the fate of the said Gustavus Conyngham.

*Ordered*, That the above letter be immediately transmitted to New-York by the board of war, and that copies of the said letter and resolution be delivered to the wife of capt. Conyngham and to the petitioners.



## MONDAY, July 19, 1779.

A memorial from Perzifor Frazer was read, declining, on account of the salary, to accept the office of clother-general; Whereupon,  
*Ordered*, That Congress proceed to a new choice.

## WEDNESDAY, July 21, 1779.

The committee, consisting of Mr. Huntington, Mr. Lovell, and Mr. Morris, on a memorial of John Gartia Duarte, and the reports thereon, brought in a report; Whereupon,

*Resolved*, That the board of war at Boston forthwith deliver to the said J. G. Duarte, if he shall require it, or to his order, all the coin now in their hands, and all the goods yet unsold, being parts of the cargo of the snow "Nostra Sennora del Carmel et Saint Antonio."

On the question to agree to this, the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	ay	<i>Pennsylvania</i> , Mr. Muhlenberg,	ay	ay
<i>Mass'atts-Bay</i> , Mr. Gerry,	ay	ay	M'Clene,	ay	ay
Lovell,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	
Holten,	ay		<i>Maryland</i> , Mr. Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	Henry,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	ay	ay	Forbes,	ay	ay
Spencer,	ay		<i>N.-Carolina</i> , Mr. Burke,	ay	
<i>New-York</i> , Mr. Jay,	ay	ay	Sharpe,	ay	ay
Duane,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	
Morris,	ay		Drayton,	ay	
<i>New-Jersey</i> , Mr. Fell,	ay	ay			
Houston,	ay				

So it was resolved in the affirmative.

*Resolved*, That authenticated copies of the memorial and representation of the said J. G. Duarte, and all the other papers relative to the said snow, her cargo, and proceedings had thereon, be transmitted to his excellency the governor of the state of Virginia, and like copies transmitted to his excellency the president of the state of Pennsylvania, and to the honorable the council of Massachusetts-Bay; and that it be recommended to the said powers respectively to cause the most speedy and effectual measures to be taken, that full reparation and satisfaction be made and given to the said J. G. Duarte, and the owners of the said snow and cargo, for the injury sustained in the capture and detention of the said snow by Joseph Cunningham, late commander of the private armed schooner Phoenix, as appears from the papers and exhibits afore mentioned.

*Resolved*, That it be further recommended to the said powers, that the most effectual measures be taken, within their respective jurisdictions, for apprehending and bringing to condign punishment the said Joseph Cunningham, Carter Braxton, and any other person or persons that may be justly deemed guilty of the seizing and capture of the said J. G. Duarte, with the said snow, her crew and cargo, in violation of the laws of nations; to the end, that the good faith and honour of these United States, the rights of neutrality and laws of nations, may be inviolably maintained and supported:

On the question for inserting "Carter Braxton," which was moved by Mr. Gerry and seconded by Mr. Laurens, the yeas and nays being required by Mr. Griffin,

<i>New-Hampshire</i> , Mr. Peabody,	ay	ay	<i>New-York</i> , Mr. Jay,	ay	ay
<i>Mass'atts-Bay</i> , Mr. Gerry,	ay	ay	Morris,	ay	ay
Lovell,	ay		<i>New-Jersey</i> , Mr. Fell,	ay	
Holten,	ay		Houston,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	<i>Pennsylvania</i> , Mr. Muhlenberg,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	ay	ay	M'Clene,	ay	ay
Spencer,	ay		<i>Delaware</i> , Mr. M'Kean,	ay	



<i>Maryland,</i>	Mr. Carmichael,	ay	} ay	<i>N.-Carolina,</i>	Mr. Burke,	no	} div.
	Henry,	ay			Sharpe,	ay	
	Forbes,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
<i>Virginia,</i>	Mr. Griffin,	no	}*		Drayton,	ay	

So it was resolved in the affirmative.

On the question to agree to the resolution, the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Pennsylvania,</i>	Mr. Muhlenberg,	ay	} ay
	Peabody,	ay			M'Clene,	ay	
<i>Massa'sts-Bay,</i>	Mr. Gerry,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Holten,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Lovell,	ay			Henry,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay		Forbes,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	ay		<i>Virginia,</i>	Mr. Griffin,	ay	
	Spencer,	ay	} ay	<i>N.-Carolina,</i>	Mr. Burke,	no	} div.
<i>New-York,</i>	Mr. Jay,	ay			Sharpe,	ay	
	Duane,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Morris,	ay			Drayton,	ay	
<i>New-Jersey,</i>	Mr. Fell,	ay	} ay				
	Houston,	ay					

So it was resolved in the affirmative.

#### THURSDAY, July 22, 1779.

Mr. J. Hewes, a delegate from North-Carolina, attended, and took his seat in Congress.

Mr. Edmund Randolph, a delegate from the state of Virginia, attended, and produced the credentials of his appointment, which were read.

After reading the journal of yesterday, a motion was made by Mr. Penn, seconded by Mr. Fleming, to reconsider the report of yesterday respecting the capture of the snow "Nostra Sennora del Carmel et Saint Antonio."

On which the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no
	Peabody,	no			Muhlenberg,	no	
<i>Massa'sts-Bay,</i>	Mr. Lovell,	no	} no		M'Clene,	no	} no
	Holten,	no		<i>Delaware,</i>	Mr. Dickinson,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no		M'Kean,	no	} no
	Collins,	no		<i>Maryland,</i>	Mr. Henry,	no	
<i>Connecticut,</i>	Mr. Huntington,	no	} no		Forbes,	no	} no
	Spencer,	no		<i>Virginia,</i>	Mr. Smith,	ay	
<i>New-York,</i>	Mr. Jay,	no	} no		Fleming,	ay	} ay
	Duane,	no			Griffin,	ay	
	Morris,	no		<i>N.-Carolina,</i>	Mr. Penn,	ay	
	Lewis,	no			Hewes, excus'd		} div.
<i>New-Jersey,</i>	Mr. Fell,	no	} no		Sharpe,	no	
	Houston,	no		<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
					Drayton,	ay	

So it passed in the negative.

A copy of a letter from captain Barry, and one from captain John Young, to their owners, were laid before Congress, and read :

*Ordered,* That they be referred to the delegates of Delaware and Maryland, and that they take order thereon.

A representation of lieutenant-colonel David Brearly, jun. was read, setting forth, "that the state of New-Jersey, to which he belongs, has lately appointed him chief-justice of that state, an office important and honourable, but not lucrative, and have requested him in the strongest manner to retire from the army and enter upon the duties of that office : that he is determined to comply with their request ; but is very desirous of holding his rank in the army without pay."

On motion of Mr. Gerry, seconded by Mr. Peabody,

*Resolved,* That the desire of lieutenant-colonel David Brearly, jun. to

hold his rank in the army, after he shall have accepted the office of chief-justice of the state of New-Jersey, cannot be complied with.

Whereas great numbers of the privates of the convention troops have deserted, and are daily deserting, and there is great reason to believe they are encouraged thereto by their officers:

*Resolved*, That the board of war be authorized at their discretion, to take effectual measures to prevent the desertion of the said troops.

FRIDAY, *July 23*, 1779.

On a report from the board of war,

*Resolved*, That the resignation of lieutenant Andrew Caldwell, of captain Coren's company of laboratory artillery-men, be accepted.

Whereas in the unsettled state of public affairs, during the contest with Great-Britain, the necessities of the United Colonies or States induced their officers in sundry places, to take possession of divers lots or pieces of ground in many of the United Colonies now States, and barracks, hospitals, stables, store-houses and other buildings have been erected thereon, sometimes without the express consent of the proprietors of the land, many of whom now either claim exorbitant rents, or attempt to seize upon and hold or remove the buildings which were so built without the express consent of the said proprietors, or where terms have been agreed on and the times for which the grounds were taken are expired,

*Resolved*, That it be recommended to the legislatures of the respective states, to make effectual provision by laws for the preservation of the buildings belonging to the United States within their respective jurisdictions, and for the punishment of those who shall seize upon or injure the same: and that in cases where there are considerable buildings which cannot be removed with convenience to the public, the proprietors of the ground be obliged to suffer the buildings to remain thereon, at least during the war, receiving therefor such compensation as shall be allowed by indifferent and proper persons duly appointed and authorized to appraise and value the same: that all grounds or places occupied for the purposes of defence, although the property of individuals, shall remain during the war appropriated (if not before that time abandoned by orders of the proper authority,) for the military purposes intended by their being possessed by the troops: and that no encroachments shall be made on the said grounds or places; but the officer commanding at the post shall remove all such encroachments on the dependencies of the garrison, the forts or any out-works thereof, so that such extent of ground shall remain unoccupied for any private purpose round the forts or garrisons, as the defence of the same posts may require; and that compensation be made to the proprietors of such grounds in the manner herein before mentioned: that where permanent buildings are erected with the consent of the owners of the ground, and no price is agreed on or transfer made thereof, if voluntary agreements cannot be made, the appraisers so to be appointed as herein before mentioned, shall value and appraise the ground on which such building is erected, according to circumstances, and on receipt or tender of the amount of such appraisement, the said ground be vested in and considered as the property of the United States, in fee simple or otherwise, according to the estate held therein by the proprietor or former occupant thereof.

And whereas divers persons become possessed of the property of the United States, either expressly delivered to their care on public roads from an impossibility to transport the same to the place or places of destination by badness of roads, breaking down of teams or other causes, or by finding or taking the same:

*Resolved*, That it be also recommended to the said legislatures to make provision by law, to oblige persons possessed of horses, cattle, stores, or

other property belonging to the United States, to deliver the same on demand to the proper officer, or in case no demand is made, to give notice thereof in a limited time to the executive power of the state wherein they reside, or to the nearest quarter-master, commissary or public agent, and imposing heavy fines on such who neglect or refuse so to do; and in cases of felonies committed on the property of the United States, that persons guilty thereof be brought to immediate and exemplary punishment.

The board of war having reported a plan for regulating the hide department, Congress took the same into consideration; and thereupon,

*Resolved*, That whensoever the business of the hide department shall require it in any state, the board of war be authorized and directed to appoint a proper person to be commissary of hides therein, removable by the said board for mismanagement, or when by the alteration of circumstances in the particular state no such officer is further necessary: provided, that when the business of the department will admit of it, two or more states may, by the said board, be put under the direction of one commissary:

That the board of war draw up instructions, from time to time, for the direction and government of the commissaries of hides in the respective states, and they are hereby enjoined to regulate their conduct by such instructions:

That it be recommended to the executive powers of the respective states, in which commissaries of hides are thought necessary to be appointed, to superintend their conduct, and in case of delinquency to suspend the person acting in that office, informing Congress, or the board of war thereof, and of the reason on which such suspension is founded:

That the clothier-general have the superintendence of the commissaries of hides, and that he be allowed a clerk extraordinary to enable him to transact the business with the said commissaries, who shall make returns at least quarterly to the clothier-general, and he shall draw the whole of the returns received from the several commissaries into a general return, and transmit the same quarterly to the board of war:

That the clothier-general supply monies, from time to time, to the commissaries in the respective states, to enable them to perform their contracts and pay their assistants and clerks; and that he be furnished with money accordingly by the board of treasury, on estimates signed by the board of war:

That the respective commissaries of hides have so many assistants and clerks, as in the opinion of the board of war the circumstances of their business shall, from time to time, require:

That the pay of a commissary of hides be a sum not exceeding 300 dollars per month, one ration a day, and the value of three rations more, as it now is, or hereafter shall be settled for officers in the line, and forage for one horse:

That the pay of an assistant commissary be a sum not exceeding 140 dollars per month, one ration a day, the value of one ration more as above-mentioned, and forage for an horse.

*Resolved*, That the pay of a clerk be a sum not exceeding 100 dollars per month, one ration a day, and the value of one ration more as aforesaid.

The committee appointed for regulating and retrenching the expenses of the departments, brought in a report, which was read.

*Ordered*, That 60 copies be printed for the use of the members.

*Resolved*, That the board of treasury be authorized to employ and agree with a copperplate-printer, on such terms as they shall judge reasonable.

The board of treasury report, that they have appointed Francis Swaine, Henry Epple, Michael Kimmell, Jacob Graff, jr. Christopher Baker, David Shaffer, jr. Michael Shubart, Henry Kammerer, James Wilson, Jacob Schreiner, and Charles Cist, signers of bills of credit.

**SATURDAY, July 24, 1779.**

On motion of Mr. Peabody, seconded by Mr. Laurens,

*Resolved*, 'That so much of the resolution passed yesterday, respecting the preservation of the public buildings &c. as relates to the purchase of the ground whereon permanent buildings are erected, be re-considered, and that the same be referred to a committee of three.

Congress proceeded to the election of a clothier-general; and, the ballots being taken, Mr. James Wilkinson was elected, having been previously nominated by Mr. Henry.

**MONDAY, July 26, 1779.**

Mr. C. Harnett, a delegate of North-Carolina, attended, and took his seat in Congress.

A letter of the 21st, from general Washington, was read, enclosing his orders of the 10th to general Wayne, for the attack of Stoney-Point, orders issued by general Wayne July the 15th, and general Wayne's letter of the 17th to general Washington, giving an account of his success, and enclosing a list of the killed, wounded and prisoners, and of the stores taken :

*Ordered*, That the same be referred to the committee of intelligence.

On motion of Mr. Morris, seconded by Mr. Laurens,

*Resolved, unanimously*, That the thanks of Congress be given to his excellency general Washington, for the vigilance, wisdom and magnanimity, with which he hath conducted the military operations of these states, and which are among many other signal instances manifested in his orders for the late glorious enterprize and successful attack on the enemy's fortress on the banks of Hudson's river.

*Resolved, unanimously*, That the thanks of Congress be presented to brigadier-general Wayne, for his brave, prudent and soldiery conduct in the spirited and well conducted attack of Stoney-Point.

*Resolved, unanimously*, That Congress entertain a proper sense of the good conduct of the officers and soldiers under the command of brigadier-general Wayne, in the assault of the enemy's works at Stoney-Point, and highly commend the coolness, discipline and firm intrepidity exhibited on that occasion.

*Resolved, unanimously*, 'That lieutenant-col. Fleury, and major Stewart, who, by their situation in leading the two attacks, had a more immediate opportunity of distinguishing themselves, have, by their personal achievements, exhibited a bright example to their brother soldiers, and merit in a particular manner the approbation and acknowledgment of the United States.

*Resolved, unanimously*, That Congress warmly approve and applaud the cool, determined spirit with which lieut. Gibbons and lieut. Knox led on the forlorn hope, braving danger and death in the cause of their country.

*Resolved, unanimously*, That a medal, emblematical of this action, be struck:

That one of gold be presented to brigadier-general Wayne, and a silver one to lieutenant-colonel Fleury and major Stewart respectively.

*Resolved, unanimously*, That brevets of captain be given to lieutenant Gibbons and lieutenant Knox :

That the brevet of captain be given to Mr. Archer, the bearer of the general's letter, and volunteer aid to brigadier-general Wayne :

That Congress approve the promises of reward made by brigadier-general Wayne, with the concurrence of the commander in chief, to the troops under his command :

That the value of the military stores taken at Stoney-Point be ascertained and divided among the gallant troops by whom it was reduced, in such manner and proportion as the commander in chief shall prescribe.

**TUESDAY, July 27, 1779.**

Mr. Matthews, one of the delegates from South-Carolina, attended, and produced his credentials.

Mr. Drayton laid before Congress farther credentials, which were read.

The committee, consisting of Mr. M'Kean, Mr. Drayton and Mr. Huntington, to whom was referred an address of the merchants of Boston, brought in a report; Whereupon,

*Resolved*, That the sense expressed of the endeavors of Congress for the general good in the address of the merchants of the town of Boston, is very acceptable, and they may rest assured that Congress will at all times pay a proper attention to the mercantile, in common with the other interest of the citizens of these United States.

*Resolved*, That the delegates of the state of Massachusetts-Bay be requested to communicate the above acknowledgment and assurance on the part of Congress to the merchants of Boston.

On motion of Mr. Duane, seconded by Mr. Gerry,

*Resolved*, That the board of treasury cause the medals, in honor of the commander in chief and other officers of the United States, to be struck without delay, agreeably to the several resolutions of Congress on this subject.

On motion of Mr. Matthews, seconded by Mr. Laurens,

*Resolved*, That brigadier-general Scott be ordered to use every means in his power to forward the troops under his command to Charleston, in South-Carolina, as expeditiously as possible.

A letter, of the 19th, from major-general Heath, was read, desiring to be excused from acting as commissioner of the board of war.

#### THURSDAY, July 29, 1779.

A letter, of the 28th, from capt. Baldesqui, pay-master of brigadier count Pulaski's legion, was read; Whereupon,

*Resolved*, That the board of treasury be authorized to cause the accounts of the said legion, for the reason set forth in the said letter, to be settled on such proofs as in the discretion of the auditors or commissioners of accounts shall be judged satisfactory.

Congress proceeded to the election of two commissioners of claims, and, the ballots being taken, Mr. John Dyer Mercier and Mr. Eleazer M'Comb were elected.

On motion by the committee on appeals,

*Resolved*, That two members be elected for the said committee, in the room of Mr. Ellery and Mr. Paca, who are absent: the members chosen, Mr. Marchant and Mr. Randolph.

On a report from the board of war,

*Resolved*, That lieutenant Adamson Tannehill, of Rawling's regiment, be appointed a captain in that regiment, his commission to be dated the 1st of April, 1778.

#### FRIDAY, July 30, 1779.

A letter, of the 27th, from the minister of France, was read, enclosing an appointment of sieur de'Annemours to be vice-consul in the state of Virginia:

*Ordered*, That the same be referred to the marine committee; and that they cause the commission of Mr. d'Annemours to be recorded in the book by them kept for that purpose, and his appointment made known to all concerned.

Congress proceeded to the consideration of the reports of the board of treasury relative to finance; and thereupon agreed to the following

Ordinance for establishing a board of treasury, and the proper officers for managing the finances of these United States.

The principal officers of the board shall consist of three commissioners, not members of Congress, and two members of Congress, any three of whom to form a board for the despatch of business. The commissioners shall be



annually appointed by Congress, and continue in office until a new election. No member of Congress shall continue to serve as a member of the said board longer than six months by virtue of one appointment, nor shall there be more than one member of the said board at any time belonging to the same state. The board to have a seal of office, a secretary, a clerk and messenger; the secretary to be annually appointed by Congress, the clerk and messenger by the board.

That there be the following offices: the auditor-general's, the treasurer's, two chambers of accounts, and six auditors for settling claims and accounts arising in the army.

That in the auditor's office there be an auditor-general, and assistant annually appointed by Congress, and two clerks appointed by the auditor-genl.

That in the treasurer's office there be one treasurer annually appointed by Congress, and one clerk appointed by the treasurer.

That each chamber of accounts shall consist of three commissioners and two clerks.

That the board of treasury be authorized to discharge the auditors of the army or any of them whenever they shall find it expedient.

That the commissioners and clerks of the chamber of accounts, and auditors for the army, be annually elected by Congress; and that the auditor-general, treasurer and auditors for the army, be respectively accountable for the conduct of their clerks.

That apartments be provided for the accommodation of the several offices of the treasury, in the city or place where Congress shall hold their sessions.

That the duties of the several offices be as follows:

The commissioners or board of treasury to have the general superintendence of the finances of the United States, and of all officers entrusted with the receipt and expenditure or application of the public money, bills of exchange or loan-office certificates: to inspect the treasury: to lay before Congress estimates of the public expenses, and necessary supplies: and to call on public officers for information: to carry into effect all acts and resolutions of Congress for emitting bills of credit and of exchange, loan-office certificates or other securities, and establishing lotteries: to deposit in the proper offices, such bills, certificates and securities when emitted; and all monies arising from loans, taxes and lotteries: to see that the public accounts are regularly stated in the auditor's office, and all public debtors brought to account, frauds detected, and defaulters punished: to sue and prosecute for all debts, wrongs and injuries touching the finances or property vested in Congress: to instruct in their duty all officers concerned in the finances or accounts, and to suspend any of them for negligence or misdemeanor, till the pleasure of Congress can be known: to register and preserve all contracts and securities appertaining to the United States: to grant under their seal of office "a quietus" to accountants on a final settlement: where objections are discovered against the report of the commissioners or auditors, to rectify their respective errors and instruct them where they are in doubt: to determine on appeals by an accountant from the decision of any of the auditors or commissioners on any charge or voucher which they may respectively reject: to examine into the merits of all requisitions for the advance of money for public services, and report thereon to Congress: to grant warrants under their seal on the treasurer for balances of accounts and partial payments.

On the question to agree to this clause, as far as "payments," the yeas and nays being required by Mr. Gerry, who objected to the words "for balances of accounts and partial payments,"

<i>N. Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Rhode-Island</i> , Mr. Collins,	ay	} ay
<i>Massachusetts Bay</i> , Mr. Gerry,	no		<i>Connecticut</i> , Mr. Spencer,	ay	
Lovell,	no				
Holten,	ay				



<i>New-York,</i>	Mr. Jay,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	ay	} *
	Duane,	ay			Griffin,	ay	
	Lewis,	ay		<i>N-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-Jersey,</i>	Mr. Fell,	ay	} ay		Burke,	ay	
	Houston,	ay			Sharpe,	ay	
<i>Pennsylvania,</i>	Mr. M'Clene,	no	} no	<i>S-Carolina,</i>	Mr. Drayton,	ay	} ay
<i>Delaware,</i>	Mr. Vandyke,	ay					
<i>Maryland,</i>	Mr. Carmichael,	ay	} ay				
	Forbes,	ay					

So it was resolved in the affirmative.

And for such advances as Congress shall direct to be made for the public service : which being entered in the auditors office, and certified to be passed by him, shall be paid. And generally to perform all such duties as shall be assigned them by Congress.

The auditor-general. All accounts and claims against the United States (except such as are proper to be adjusted in the field by the auditors of the army) shall be exhibited to him, and the nature or title and the amount of the claim or account being registered, the same shall be referred by him to one of the chambers of accounts for settlement ; and being accordingly there adjusted, shall be reported to him : he is then with his assistant to examine the nature of the charges and vouchers, and to reject such as appear to him to be improper, allowing an appeal from his determination to the board of treasury, when demanded by the accountant. After examination and previous to their being entered in the books of the treasury, he is to present the accounts to the board of treasury for their final determination ; he shall direct the method, not only of stating the public books of accounts of the treasury (which are to exhibit a comprehensive view of the finances and expenditures of the United States) but of all other books of accounts of public offices connected with the treasury, and the manner of their respective returns and reports : and through him all orders and instructions to the chambers of accounts and auditors of the army are to be communicated. All warrants on the treasury or loan-offices for issuing public money, are to be entered in the auditor's office, and certified to be passed by him before they shall be paid, and he is forthwith to charge the amount of such warrants to the department or person who is accountable. In case of his absence by sickness or with leave of the treasury-board, all the duties hereby assigned to him shall be executed by the assistant auditor-general, who shall also be the principal accountant in keeping and stating the public books at the treasury.

The treasurer is to receive and keep the monies of the United States, and issue them on bills drawn by the president of Congress or board of treasury. On receiving money, he shall give a receipt, and on every payment take one to serve as his voucher : he is to render his accounts quarterly to the auditor-general, for examination by one of the chambers of accounts, and being reported to and approved by the auditor, and presented by him to the board of treasury, and no objections appearing to them, a copy shall be transmitted to Congress. All loan-officers shall make monthly returns to him as well as to the board of treasury, of the monies in their hands arising from loans, taxes or other means ; on which returns he shall charge such officers in his books : when a warrant is drawn on him and he finds it convenient that it should be paid out of the money in any loan-office, he shall endorse on the warrant an order to the loan-officer, requiring him to discharge it accordingly ; but before it is transmitted he shall produce the endorsements to the auditor-general, who shall register and certify it to have been passed by him, and the loan-officer is authorized and directed to pay it ; and both the auditor-general and the treasurer are to credit the loan-officer with the sum which he is required to pay by such warrant and order.

On the question to agree to this clause, beginning at "all loan-officers," the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} div.	<i>Pennsylvania,</i>	Mr. Shippen,	ay	} ay
	Peabody,	no			Searle,	ay	
<i>Mass'etts-Bay,</i>	Mr. Gerry,	no	} ay	<i>Delaware,</i>	Mr. Vandyke,	ay	} ay
	Lovell,	ay		<i>Maryland,</i>	Mr. Carmichael,	ay	
	Holten,	ay	} ay		Forbes,	ay	} ay
<i>Rhode-Island,</i>	Mr. Marchant,	ay		<i>Virginia,</i>	Mr. Smith,	ay	
<i>New-York,</i>	Mr. Jay,	ay	} ay		Fleming,	ay	} ay
	Duane,	ay			Randolph,	ay	
	Lewis,	ay	} ay	<i>N.-Carolina,</i>	Mr. Burke	ay	} ay
<i>New-Jersey,</i>	Mr. Fell,	ay			Harnett,	ay	
	Houston,	ay	} ay	<i>S.-Carolina,</i>	Mr. Matthews,	ay	} ay
					Drayton,	ay	

So it was resolved in the affirmative.

The chambers of accounts, on the reference of the auditor-general, shall carefully examine claims and accounts against the United States; compare the charges with the allowance by Congress, and the vouchers to support them; reduce such articles as are overcharged, and reject such as are groundless or unjust, as well as the vouchers which shall appear to them incompetent; they shall have power to examine witnesses, being first sworn or affirmed by them, or one of them, and to call for any books or papers in the public offices, or in the custody of any public officer; when they reduce or reject a charge, or set aside a voucher, they shall allow the accountant or claimant an appeal to the auditor-general if demanded.

The auditors of the army shall respectively reside in the main army or detachment of the army, for which they shall be appointed by the board of treasury, and not be absent without leave of the commander in chief or commanding officer. It shall be his duty to call to account all regimental officers indebted to the public: to receive the pay-rolls and abstracts of the army from the pay-master general or his deputies, who shall previously examine and certify the sum due; to settle all other accounts of the army, excepting those in the departments of the quarter-master, pay-master, directors, clothier, barrack-master, or commissaries of provisions, prisoners, or military stores; but when any articles in any of those departments are mixed with charges within the immediate duty of the auditor, he shall settle the whole account notwithstanding. He shall also adjust all other accounts which he shall be instructed by the board of treasury to do. He shall present the accounts settled by him, and the abstracts, with certificates of what is due, to the commander in chief or commander of a detachment, having a military chest, who shall thereupon, unless he have reasons to the contrary, issue warrants on the pay-master, or deputy pay-master general, in discharge thereof. He shall make report of all his settlements and transactions to the auditor-general, at such times and in such forms as shall be directed by the auditor-general. In all other respects he shall execute his duty as prescribed by act of Congress, dated the 6th day of February, 1778, and such instructions as he shall, from time to time, receive from the board of treasury.

#### MONDAY, August 2, 1779.

The committee, consisting of Mr. Huntington, Mr. Laurens, Mr. Smith, Mr. G. Morris, and Mr. M'Kean, to whom was referred a memorial of the minister plenipotentiary of France, of the 26th of July, with sundry papers relating thereto, with authority to confer with the president and supreme executive council of Pennsylvania, and the minister and consul of France, and who were directed to prepare and report a state of facts, together with their opinion of the measures proper for Congress to adopt thereupon, brought in a report; Whereupon,

*Resolved,* That the minister of France be assured that Congress will, at all times, afford every countenance and protection to the consuls and other ser-

vants of his most Christian majesty, within the powers and authorities to them delegated by their constituents :

That the several appointments of consuls made, and which may hereafter be made and approved by Congress, be duly registered in the secretary's office, and properly notified by the president to the executive authorities of the respective states, in whose port such consuls may reside :

That the measures taken by Mr. Holker to procure flour for the fleet of his most Christian majesty in the way of commerce, have, from time to time, been made known unto, and been fully approved by Congress : that the several proceedings and publications complained of by the minister on that subject, are very injurious to the servants of his said majesty, and that Congress do highly disapprove the same :

That the president and supreme executive council of Pennsylvania be informed that any prosecutions which it may be expedient to direct, for such matters and things in the said publications or transactions as may be against the laws of nations, shall be carried on at the expense of the United States :

That the minister of France be informed that the president and supreme executive council of Pennsylvania, have taken proper measures to restore the flour taken from the agents of Mr. Holker.

#### TUESDAY, *August 3, 1779.*

Whereas Thomas White, of Kent county, in the state of Delaware, yeoman, was arrested by brig. gen. Smallwood, in pursuance of an order of Congress of the 26th day of March, 1778, and afterwards on the 27th day of May, in the same year, was permitted to remain at his own house on parole :

On motion of the delegates of Delaware,

*Resolved*, That the said Thomas White be discharged from his parole.

#### WEDNESDAY, *August 4, 1779.*

The committee, consisting of Mr. M'Kean, Mr. Armstrong, Mr. Lewis, to whom was referred a memorial of the minister plenipotentiary of France, relative to the ship Mary and Elizabeth's cargo, brought in a report, which was read ; Whereupon,

*Resolved*, That Congress do not entertain any suspicion that Mr. Holker, agent of the marine of his most Christian majesty, had any participation in, or knowledge of the shipping of provisions on private account on board vessels despatched in the name of his most Christian majesty.

*Resolved*, That frauds by masters and shippers are offences against the municipal laws, and are to be investigated by the magistrates of the states respectively.

*Ordered*, That Mr. Henry have leave of absence.

#### THURSDAY, *August 5, 1779.*

Mr. Scudder, a delegate of New-Jersey, attended, and took his seat in Congress.

#### FRIDAY, *August 6, 1779.*

The board of treasury having prepared a table for the payment of interest, agreeable to the resolve of Congress of June the 29th, 1779, submitted the same to Congress for approbation.

The board of treasury report, that they have appointed John Levinus Clarkson, William Ramsay, and Patrick Ferril, signers of bills of credit.

The board of treasury, to whom was re-committed their report respecting an allowance for the commissioners in Europe, brought in a report ; Whereupon,

*Resolved*, That an allowance of 11,428 livres tournois per annum, be made to the several commissioners of the United States in Europe for their services, besides their reasonable expenses respectively :

That the salary, as well as the expenses, be computed from the time of their leaving their places of abode to enter on the duties of their offices, to be continued three months after notice of their recal, to enable them to return to their families respectively:

That the several commissioners, commercial agents and others in Europe entrusted with the public money, be directed to transmit, without delay,\* their accounts and vouchers, and also triplicate copies of the same to the board of treasury of these United States in order for settlement.

*Resolved*, That a suitable person be appointed by Congress to examine the said accounts in Europe, and certify his opinion thereon previous to their being transmitted:

That the board of treasury be directed to report for Mr. Deane a reasonable allowance, for his time and expenses from the expiration of three months after the notice of his recal to the present time.

A motion was made by Mr. Huntington, seconded by Mr. Fell,

That the hon. Silas Deane, esq. late one of the commissioners at the court of Versailles, and political and commercial agent, be excused from any further attendance on Congress, in order that he may settle his accounts without delay, agreeable to the foregoing resolution.

A motion was made by Mr. Marchant, seconded by Mr. M'Kean, to amend the motion by striking out the words "in order," &c. to the end:

Question, shall those words stand? Passed in the negative.

A motion was made by Mr. Smith, seconded by Mr. Holten, to amend farther by striking out "excused," and in lieu thereof inserting "discharged:"

Question put, resolved in the affirmative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
Peabody,	ay		Shippen,	ay	
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay	} ay	Atlee,	ay	} ay
Lovell	ay		Searle,	ay	
Holten,	ay	} ay	M'Clene,	ay	} ay
<i>Rhode-Island</i> , Mr. Marchant,	ay		Mr. Dickinson,	no	
<i>Connecticut</i> , Mr. Huntington,	ay	} ay	Vandyke,	no	} no
Spencer,	ay		M'Kean,	ay	
<i>New-York</i> , Mr. Jay,	no	} no	<i>Maryland</i> , Mr. Carmichael,	no	} no
Duane,	no		Forbes,	no	
Lewis,	no	} no	<i>Virginia</i> , Mr. Smith,	no	} *
<i>New-Jersey</i> , Mr. Scudder,	ay		Fleming,	no	
Fell,	no	} ay	<i>N.-Carolina</i> , Mr. Penn,	no	} no
Houston,	ay		Harnett,	no	
			Sharpe,	ay	} no
			<i>S.-Carolina</i> , Mr. Drayton,	no	

\* For inserting the words "without delay," which were moved by Mr. Marchant, and seconded by Mr. Laurens; the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Delaware</i> , Mr. Dickinson,	ay	} ay
<i>Massachusetts-Bay</i> , Mr. Gerry,	ay		Vandyke,	ay	
Lovell	no	} ay	M'Kean,	ay	} ay
Holten,	ay		<i>Maryland</i> , Mr. Carmichael,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	Forbes,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	ay		<i>Virginia</i> , Mr. Smith,	ay	
<i>New-York</i> , Mr. Jay,	ay	} ay	Fleming,	ay	} ay
Lewis,	ay		Randolph,	ay	
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay	<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
Fell,	no		Harnett,	ay	
Houston,	ay	} ay	Sharpe,	ay	} ay
<i>Pennsylvania</i> , Mr. Armstrong,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	
Atlee,	ay	} ay	Drayton,	ay	} ay
Searle,	no				
Muhlenberg,	no	} ay			} ay
M'Clene,	ay				

So it was resolved in the affirmative.

So it was resolved, that the hon. Silas Deane, esq. late one of the commissioners at the court of Versailles and political and commercial agent, be discharged from any further attendance on Congress.

**SATURDAY, August 7, 1779.**

A letter, of the 6th, from the Rev. Henry Miller, chaplain to the Germans in the army of the United States, was read, requesting leave to resign:

*Resolved*, That his resignation be accepted.

The board of war, to whom was referred a letter from captain Colombe, requesting the rank of major, having reported specially thereon:

Congress took their report into consideration: and, thereupon,

*Resolved*, That the request of captain Colombe be not granted.

**TUESDAY, August 10, 1779.**

A letter, of the 20th, continued to the 22d July last, from W. Bingham, was read.

On motion of Mr. Matthews, seconded by Mr. Laurens,

*Resolved*, That the president write to governor Caswell, to request that he would give the necessary orders for forwarding the troops of that state directed to go to South-Carolina, with all possible despatch: and that major-general Lincoln be requested to continue his command in South-Carolina, if the state of his health will permit, until he shall receive farther directions from Congress.

*Ordered*, That a copy of the intelligence contained in Mr. Bingham's letter, be transmitted to the commander in chief.

On motion of Mr. Gerry, seconded by Mr. Dickinson,

*Resolved*, That a committee of three be appointed to prepare a circular letter to the several states, and that they be instructed to report specially what part of the late communications of the minister of France and of the intelligence contained in Mr. Bingham's letter, they shall judge proper to be communicated to the several states.

**WEDNESDAY, August 11, 1779.**

On motion of Mr. Laurens, seconded by Mr. Marchant,

*Resolved*, That these United States will reimburse to the state of South-Carolina, such sums of money as that state may advance for importing such military stores as shall be deemed immediately necessary by the commanding officer of the continental troops in the southern department, for the defence of the said department.

Congress took into consideration the report of the committee, consisting of Mr. Duane, Mr. Smith, Mr. Morris, Mr. Laurens and Mr. Drayton, to whom was referred a memorial from the officers of the light dragoons, and who were instructed to report on a farther provision for the officers of the army, and a part of the report having been struck out, viz.

"That all military officers commissioned by Congress, who are or shall be in the service of the United States, and shall continue therein during the war, shall, after the conclusion thereof, receive annually during their natural lives half of their pay."

A motion was made by Mr. Burke, seconded by Mr. M'Kean,

To amend the report by inserting in the room of the words struck out, as follows:

"That the half pay provided by the resolution of the 15th of May, 1778, be extended to continue for life; and that the holding of a civil office under the United States, or any of them, shall be no bar to prevent any officer from receiving the same."

When the question was about to be put, a division was called for; and, on



the question to agree to the first clause of the amendment, the yeas and nays being required by Mr. Carmichael,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	>no	<i>Pennsylvania,</i>	Mr. Armstrong,	ay	
<i>Mass'etts-Bay,</i>	Mr. Gerry,	no			Atlee,	ay	
	Lovell,	no	}no		Searle,	ay	}ay
	Holten,	no			Wynkoop,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	no	}no	<i>Delaware,</i>	Mr. M'Kean,	ay	}ay
	Collins,	no		<i>Maryland,</i>	Mr. Carmichael,	ay	}ay
<i>Connecticut,</i>	Mr. Huntington,	no			Forbes,	ay	
	Spencer,	no	}no	<i>Virginia,</i>	Mr. Smith,	ay	
<i>New-York,</i>	Mr. Jay,	ay			Fleming,	ay	}ay
	Duane,	ay	}ay		Randolph,	ay	
	Lewis,	ay		<i>N.-Carolina,</i>	Mr. Harnett,	ay	
<i>New-Jersey,</i>	Mr. Scudder,	ay			Hewes,	ay	}ay
	Fell,	ay	}ay		Sharpe,	ay	
	Houston,	no		<i>S.-Carolina,</i>	Mr. Matthews,	ay	}ay

So it was resolved in the affirmative.

#### THURSDAY, August 12, 1779.

The marine committee, to whom was referred the petition of Francis chevalier de la Nos, Jules Anne le Moine, chevalier de Neufielle, &c. report, that they have examined into the matter complained of in the said memorial, and find the facts therein set forth to be truly stated :'' Whereupon Congress came to the following resolution :

Whereas Francis chevalier de la Nos, Jules Anne le Moine, chevalier de Neufielle, Julien Bouchand, and Joseph Jacob du Tetre, subjects of his most Christian majesty, have by due course of law recovered judgment against John Douglass, late commander of the privateer schooner called the Hunter, by commission under Congress, for the sum of £ 9780 for injuries they had sustained from the said John Douglass, while acting under pretext of his said commission, and seizing and taking the said Francis chevalier de la Nos, Jules Anne le Moine, chevalier de Neufielle, Julien Bouchand, and Joseph Jacob du Tetre, their vessel and cargo ; and that since the said judgment was obtained, the said John Douglass hath absconded out of the state of Pennsylvania and eluded the said judgment, and prevented redress for the said injuries committed ; therefore,

*Resolved,* That the bond given at the time the said John Douglass obtained his said commission be put in suit, and that his said commission be vacated and made void ; and also that the said John Douglass be not admitted to hold any commission under the United States, on board any ship or vessel of war, until such time as he shall surrender himself and abide the said judgment against him, or procure the same to be reversed or set aside by due course of law.

Mr. Root, a delegate from Connecticut, attended, and took his seat in Congress.

Congress resumed the consideration of the report of the committee on a farther allowance for the officers of the army ; and farther amendments being moved :

*Ordered,* That the report, with the amendments, be referred to a committee of five : the members chosen, Mr. Gerry, Mr. Duane, Mr. Smith, Mr. Root, and Mr. Burke.

#### SATURDAY, August 14, 1779.

On motion of Mr. Marchant,

*Resolved,* That a member be appointed for the committee of appeals, in the room of Mr. Henry, who is absent : the member chosen, Mr. Root.

The committee, consisting of Mr. Dickinson, Mr. Morris, Mr. Gerry, appointed to prepare a letter to the several states, brought in a draught, which was agreed to as follows :



SIR, Congress have deemed it highly necessary to inform you that the enemy have exerted themselves to send out a very considerable reinforcement to their army now in America. Seven thousand were destined hither from Europe and 3000 from the West-Indies. The operations in the place last mentioned may perhaps prevent the arrival of those troops ; but there is no solid reason to expect that the European reinforcement will not arrive. It is proper you should be informed that our allies were much concerned to find that preparations were not earlier made for a vigorous campaign. The exertions of America are necessary to obtain the great objects of the alliance, her liberty, sovereignty and independence. The barbarities already exhibited by the enemy and their avowed determinations to give a still greater scope to their ravages, are additional motives to our endeavors. Congress are fully convinced, therefore, that you will comply with their earnest wishes to prepare for the most immediate and most vigorous operations, particularly by filling up your battalions and having the militia of your state ready to march at the shortest warning. It is highly probable that circumstances may soon call them forth to operate offensively ; and it is hoped and expected with such energy and effect as to free these states from their hostile invaders.

A letter, of the 13th, from the board of war, was read ; Whereupon,

*Resolved*, That the honorable the supreme executive council of Pennsylvania, be requested to call into service 200 of the militia of that state properly officered, to be stationed at Sunbury, on the Susquehanna, for guarding the public stores, keeping open the communication by that river, furnishing escorts for stores and provisions, and protecting the frontiers of the said state against the ravages of the enemy during the present appearances of danger, till the further determination of Congress.

The board of treasury report, that they have appointed Joseph Nourse, esq. a signer of the bills of credit of the United States.

MONDAY, August 16, 1779.

The board of treasury having reported “ a table of the first year’s interest to be paid on monies which have been placed in the several continental loan-offices, between the 1st of March and the 1st of September, 1778, calculated for each day on which the money may have been lent, in pursuance of a resolution of Congress of the 29th of June, 1779 : ”

On motion of Mr. Morris, seconded by Mr. Holten,

*Resolved*, That the board of treasury be directed and empowered to take measures, from time to time, to carry into effect the resolution of Congress, of the 29th of June last, for regulating the interest payable on the public loan.

On motion of Mr. Gerry, seconded by Mr. Holten,

*Resolved*, That “ the table of the first year’s interest, ” &c. reported by the board of treasury, be re-committed, and that they take order thereon.

A letter, of the 12th, from the board of war, was read ; Whereupon,

*Resolved*, That the clothier-general estimate the value of the several articles of soldiers’ clothing, at the prices they were respectively worth, at the end of the year 1778, and forthwith transmit such estimates to the pay-masters of the several regiments, who shall be furnished out of the military chest with moneys to pay the soldiers for all deficiencies of clothing, at the estimated prices of every article, as fixed by the clothier-general, who shall henceforward transmit like estimates before the close of every year during the war, so that the soldiers be paid by the regimental pay-master, according to such estimates annually, and previous to their discharge when the same happens before the end of the year, for all articles of clothing allowed them by the resolution of Congress of the 6th of September, 1777, which they have not received, and which are or shall be due to them after the year last mentioned.

TUESDAY, August 17, 1779.

*Ordered*, That two members be added to the committee for superintending

the departments of the quarter-master and commissary-general : the members chosen, Mr. Root and Mr. Scudder.

*Ordered*, That Mr. Penn have leave of absence.

*Resolved*, That three members be added to the marine committee, in the room of members absent, or who have leave of absence : the members chosen, for Massachusetts-Bay, Mr. Holten, in the room of Mr. S. Adams ; for Maryland, Mr. Forbes, in the room of Mr. Henry ; and for North-Carolina, Mr. Hewes, in the room of Mr. Penn.

On a report from the board of war, to whom was referred the memorial of captain de Luce :

*Resolved*, That Congress entertain a very favorable opinion of the merit and services of captain de Luce, but, in consequence of arrangements lately established, they cannot comply with his request, that they would grant him the brevet of major.

*Resolved*, That the sum of 1500 dollars be paid to capt. de Luce, to defray the expenses of his voyage to France, whither he proposes to return.

Congress proceeded to the consideration of the report of the committee, consisting of Mr. Gerry, Mr. Duane, Mr. Smith, Mr. Root, and Mr. Burke, to whom was referred the report of the committee on a farther provision for the army ; and thereupon came to the following resolutions :

*Resolved*, That the consideration of that part of the report for extending the half pay be postponed.

Whereas the army of the United States of America have, by their patriotism, valor, and perseverance, in the defence of the rights and liberties of their country, become entitled to the gratitude as well as the approbation of their fellow citizens :

*Resolved*, That it be, and it is hereby, recommended to the several states that have not already adopted measures for that purpose, to make such further provision for the officers, and for the soldiers enlisted for the war, to them respectively belonging, who shall continue in service till the establishment of peace, as shall be an adequate compensation for the many dangers, losses, and hardships they have suffered and been exposed to in the course of the present contest, either by granting to their officers half pay for life, and proper rewards to their soldiers ; or in such other manner as may appear most expedient to the legislatures of the several states :

On the question to agree to this proposition, the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	}	<i>Pennsylvania</i> , Mr. Armstrong,	ay	}
Peabody,	ay		Atlee,	ay	
<i>Mass'atts-Bay</i> , Mr. Gerry,	ay	}	Searle,	ay	
Holten,	ay		Muhlenberg,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	}	Wynkoop,	ay	}
Collins,	ay		Mr. Carmichael,	ay	
<i>Connecticut</i> , Mr. Huntington,	ay	}	Forbes,	no	}
Spencer,	ay		Mr. Smith,	no	
Root,	ay	}	Fleming,	no	}
<i>New-York</i> , Mr. Lewis,	ay		<i>N.-Carolina</i> , Mr. Penn,	no	
Morris,	ay	}	Harnett,	no	}
<i>New-Jersey</i> , Mr. Scudder,	ay		Hewes,	no	
Houston,	ay	}	<i>S.-Carolina</i> , Mr. Laurens,	ay	}
			Matthews,	no	

*Resolved*, That it be, and hereby is, recommended to the several states, to make such provision for the widows of such of their officers, and such of the soldiers enlisted for the war, as have died or may die in the service, as shall secure to them the sweets of that liberty for the attainment of which the husbands have nobly laid down their lives.

On the question to agree to this proposition, the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Whipple,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
	Peabody,			Atlee,	
<i>Massa'stte-Bay</i> , Mr. Gerry,	ay	} ay		Searle,	
	Holten,			Muhlenberg,	
<i>Rhode-Island</i> , Mr. Marchant	ay	} ay		Wynkoop,	} ay
	Collins,				
<i>Connecticut</i> , Mr. Huntington,	ay	} ay	<i>Maryland</i> , Mr. Carmichael,	ay	} div.
	Spencer,			Forbes,	
	Root,		<i>Virginia</i> , Mr. Smith,	no	} •
<i>New-York</i> , Mr. Morris,	ay	} ay		Fleming	
	Lewis,		<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay		Hewes,	
	Houston,			Sharpe,	
			<i>S.-Carolina</i> , Mr. Laurens,	ay	} div.
				Matthews,	
				no	

So it was resolved in the affirmative.

### WEDNESDAY, August 18, 1779.

*Resolved*, That a member be added to the marine committee for South-Carolina, in the room of Mr. Drayton, who desires to be excused from attending: the member chosen, Mr. Matthews.

Congress proceeded to the consideration of the report for a further allowance to the officers of the army; when a motion was made by Mr. Matthews, seconded by Mr. Carmichael,

That the clause in the report for extending the half-pay to continue during life, which was postponed, be now taken up and considered.

On which the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} no
	Peabody,			Atlee,	
<i>Mass'atts-Bay</i> , Mr. Gerry,	no	} no		Searle,	
	Lovell,			Muhlenberg,	
	Holten	} no		Wynkoop,	} no
<i>Rhode-Island</i> , Mr. Collins,	no		<i>Delaware</i> , Mr. Dickinson,	no	
<i>Connecticut</i> , Mr. Huntington,	no	} no	<i>Maryland</i> , Mr. Carmichael,	ay	} ay
	Spencer,			Forbes,	
	Root,		<i>Virginia</i> , Mr. Smith,	ay	} •
<i>New-York</i> , Mr. Morris,	no	} div.		Fleming,	
	Lewis,		<i>N.-Carolina</i> , Mr. Harnett,	ay	} ay
<i>New-Jersey</i> , Mr. Scudder,	no	} no		Hewes,	
	Houston,		<i>S.-Carolina</i> , Mr. Laurens,	no	
				Matthews,	} div.
				ay	

So it passed in the negative.

*Resolved*, That until the further order of Congress, the said officers be entitled to receive monthly for their subsistence money, the sums following, to wit, each colonel and brigade chaplain 500 dollars, every lieutenant-colonel 400 dollars, every major and regimental surgeon 300 dollars, every captain 200 dollars, every lieutenant, ensign and surgeon's-mate 100 dollars.

*Resolved*, That until the further order of Congress, the sum of 10 dollars be paid to every non-commissioned officer and soldier monthly for their subsistence, in lieu of those articles of food originally intended for them and not furnished.

*Resolved*, That the remainder of the report be referred to a committee of five: the members chosen, Mr. Gerry, Mr. Matthews, Mr. Forbes, Mr. Smith and Mr. Root.

### THURSDAY, August 19, 1779.

The committee, consisting of Mr. Henry, Mr. Houston, Mr. Huntington, to whom was referred the letter of July the 6th, from J. Beatty, commissary general of prisoners, brought in a report; Whereupon,

*Resolved*, That the pay and subsistence of a colonel in the line be allowed to the commissary-general of prisoners:

**Resolved,** That he be entitled to draw yearly from the stores of the clothier-general a full suit of clothes, on the same terms as officers of the line receive the clothing furnished, pursuant to the resolution of Congress, November the 26th, 1777.

FRIDAY, *August 20, 1779.*

Mr. George Patridge, a delegate for the state of Massachusetts-Bay, attended, and produced the credentials of his appointment, which were read.

SATURDAY, *August 21, 1779.*

A letter, of this day, from the hon. sieur Gerard, minister plenipotentiary of France, was read.

On motion of Mr. Gerry, seconded by Mr. Laurens,

**Resolved,** That the request of the minister of France be complied with; that his letter be referred to the committee for superintending the departments of the quarter-master and commissary-general; and that the committee be directed to take the necessary measures for this purpose, and inform Congress thereof.

The committee, consisting of Mr. Randolph, Mr. Huntington, Mr. Matthews, to whom was referred the report of the board of war on the letter from major general Philips, report as their opinion, "that as the imprisonment of lieutenant-governor Hamilton was the act of the executive power of the state of Virginia, to whom it properly belonged to decide on the treatment suitable to his conduct: and as the American prisoners of war in New-York have hitherto been denied the liberty of communicating to any public body within the United States the severities exercised upon them, Congress ought not to indulge major-general Philips with forwarding his letters and papers respecting the said Hamilton:

**Resolved,** That Congress agree to the report of the committee.

**Resolved,** That the president signify to general Washington the sense of Congress, that he refuse his assent to the request of major-general Philips, that two officers of the convention troops be allowed to go into Canada.

**Resolved,** That the board of war be directed to signify to the officer commanding the guard of the convention troops, that he do not hereafter suffer any of the officers of those troops to remove from the place or places assigned for their residence in Virginia, without permission first obtained from the board or the commander in chief.

The committee, consisting of Mr. Matthews, Mr. Forbes and Mr Root, to whom was re-committed their report on the resolution of the supreme executive council of Pennsylvania, relative to an embargo, brought in a report, which was read; Whereupon, Congress came to the following resolution:

**Resolved,** That it be recommended to such of the states as have embargoes existing in them, respectively to continue such embargoes until the 1st day of January next, and if such embargoes do not comprehend the whole of the following articles, viz. wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon and live stock, to extend their embargoes respectively to the aforesaid articles, and also to all other kind of provisions not herein enumerated; and to such other of the states as have not embargoes in existence, to take the most effectual and immediate measures to lay on embargoes for the purposes before mentioned.

When the question was about to be put on the first part of the resolution, as far as "enumerated," inclusive, the previous question was moved by Mr. Armstrong, seconded by Mr. Sharpe, that the question be not now put.

On which the yeas and nays being required by Mr. Armstrong,

<i>New-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	ay	} ay
<i>Massachusetts-Bay</i> , Mr. Gerry,	no	} no		Shippen,	ay
	Holten,	no	<i>Maryland</i> , Mr. Carmichael	ay	} div.
	Patridge,	no		Forbes,	no
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	<i>Virginia</i> , Mr. Smith,	no	} .
<i>Connecticut</i> , Mr. Huntington	no	} no		Fleming,	no
	Spencer,	no	<i>N.-Carolina</i> , Mr. Harnett,	no	} div.
	Root,	no		Sharpe,	ay
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay	<i>S.-Carolina</i> , Mr. Laurens,	no	} no
	Houston,	ay		Matthews,	no

So it passed in the negative, and the main question was thereupon put, and resolved in the affirmative.

### MONDAY, August 23, 1779.

On motion of Mr. Gerry, seconded by Mr. Morris,

*Resolved, unanimously*, That a committee, consisting of one member from each state, be appointed to congratulate the minister of France on the anniversary of the birth of his most Christian majesty, and to assure him that the pleasure which we feel, on this occasion, can be estimated by those only who have a just sense of the extensive blessings which many nations have already derived from his wisdom, justice, and magnanimity, and of the prospect of general happiness to mankind through the influence of his majesty's virtuous exertions and glorious example :

The members chosen, Mr. Scudder, Mr. Whipple, Mr. Marchant, Mr. Gerry, Mr. Morris, Mr. Armstrong, Mr. Paca, Mr. Smith, Mr. Laurens, Mr. Harnett, Mr. Dickinson and Mr. Huntington.

On motion of Mr. Smith, seconded by Mr. Lovell,

*Ordered*, That major Noirmont de la Neuville be allowed the pay and subsistence of a major, while he shall continue a volunteer with the army.

Mr. Scudder reported, that the committee appointed to congratulate the minister of France on the anniversary of the birth of his most Christian majesty, had obeyed the order of the house, and delivered to the minister a copy of the resolution of Congress, to which they received the following answer, viz.

*Gentlemen* : The manner in which Congress have been pleased to express their sentiments on the anniversary of the king, my master's nativity, characterizes their friendship and regard for his majesty. Your expressions are truly becoming a faithful and affectionate ally, and I dare assure you, gentlemen, that the account I shall render to his majesty will be infinitely agreeable to him.

GERARD.

### TUESDAY August 24, 1779.

A letter, of July the 10th, from William Glascock, president of Georgia, was read :

On motion of Mr. Matthews, seconded by Mr. Laurens,

*Resolved, unanimously*, That the executive council of Georgia be assured of the determination of Congress to give them all possible support : and that 500,000 dollars be transmitted without delay, for the use of that state, to the executive authority thereof, for which the said state is to be accountable.

A letter, of August the 5th, from Thomas Chittenden, and one of the 20th, from Jonas Fay and Paul Spooner, with two papers enclosed, were read

On motion of Mr. McKean, seconded by Mr. Holten,

*Resolved*, That copies of the following papers be delivered to Jonas Fay and Paul Spooner, as private persons, viz.

1. Proceedings of Congress on the petition from the representatives of the New-Hampshire grants, dated January the 17th, 1776, and read the 8th of May following :

2. Report on Joseph Woodward's letter, dated the 17th of January, 1776, and read the 30th of May following :

3. Proceedings of Congress on the extracts of the proceedings of the convention of New-Hampshire grants, 24th of July and 25th of September, 1776 :

4. A letter from Pierre Van Cortlaudt, president of New-York, to Congress, dated May the 27th, 1777, and proceedings of Congress thereon :

5. Governor Clinton's letter of May the 8th, 1778, and read the 18th, of September following, and the resolution thereon :

6. Governor Clinton's letters of the 27th and 28th of May, with three papers enclosed, and of the 7th of June, 1779, and resolves of Congress :

7. The several papers relating to the trial of Hilkiah Trout, dated February the 18th, 1779.

### WEDNESDAY, August 25, 1779.

A letter, of the 8th, from major-general Philips, was read, with sundry papers enclosed :

*Ordered*, That the same be transmitted to the commander in chief, and that he take order thereon.

*Ordered*, That Mr. G. Morris have leave of absence.

The marine committee, to whom was referred the memorial of James Hopkins, brought in a report ; Whereupon,

*Resolved*, That if James Hopkins, at his own risk and expense, shall raise and weigh any or all of the seven vessels sunk in the Delaware, as mentioned in his memorial, on or before the 1st day of December next, he be entitled to have and enjoy all the right and interest which the United States have or might claim in the said vessels and their cargoes sunk as aforesaid.

Congress resumed the consideration of the report of the committee relative to an embargo ; and,

The next resolution in the report being amended, when the question was about to be put, the previous question was moved by Mr. Morris, seconded by Mr. Scudder.

On which the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire</i> , Mr. Peabody,	no	nc	<i>Delaware</i> , Mr. Dickinson,	ay	
<i>Massa'tts-Bay</i> , Mr. Holten,	ay		M'Kean,	ay	ay
Patridge,	ay	ay	<i>Maryland</i> , Mr. Paca,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	Carmichael,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	no		Forbes,	no	
Root,	no	no	<i>Virginia</i> , Mr. Smith,	no	
<i>New-York</i> , Mr. Jay,	no	div.	Griffin,	no	no
Morris,	ay		Fleming,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	no	div.	<i>N.-Carolina</i> , Mr. Harnett	no	
Scudder,	ay		Hewes,	no	no
<i>Pennsylvania</i> , Mr. Armstrong,	ay		Sharpe,	no	
Shippen,	ay	ay	<i>S.-Carolina</i> , Mr Laurens,	ay	div.
Atlee,	ay		Matthews,	no	
Muhlenberg,	ay				
Wynkoop,	ay				

So it passed in the negative ; and thereupon the main question was put.

On which the yeas and nays being required by Mr. Scudder,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	ay	<i>Pennsylvania</i> , Mr. Armstrong,	no	
<i>Massa'tts-Bay</i> , Mr. Holten,	no	no	Shippen,	ay	
Patridge,	no		Atlee,	no	no
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	Muhlenberg,	no	
<i>Connecticut</i> , Mr. Huntington,	ay	ay	Wynkoop,	no	
Root,	ay		<i>Delaware</i> , Mr. Dickinson,	no	no
<i>New-York</i> , Mr. Jay,	ay	ay	M'Kean,	no	
Morris,	ay		<i>Maryland</i> , Mr. Paca,	no	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	div.	Carmichael,	no	no
Scudder,	no		Forbes,	ay	



<i>Virginia,</i>	Mr. Smith,	ay	}	ay	<i>S. Carolina,</i>	Mr. Laurens,	no	}	div.
	Griffin,	ay				Matthews,	ay		
	Fleming,	ay							
<i>N.-Carolina,</i>	Mr. Harnett,	ay	}	ay					
	Hewes,	ay							
	Sharpe,	ay							

So it was resolved, that it be earnestly recommended to the several states to take off every restriction on the inland trade between the said states.

A motion was then made by Mr. M'Kean, seconded by Mr. Morris, to reconsider the resolution of Congress passed on Saturday last, recommending to the several states the continuing or laying embargoes to the first of January next.

#### THURSDAY, August 26, 1779.

The committee on the treasury, to whom were referred the reports of the board of war and committee of Congress, respecting colonel Knoblauch, together with his memorial and papers, report, that col. Knoblauch is not possessed of vouchers to shew any contract with the commissioners of these states in Europe, to induce him to come to America; but, as the committee entertain a high sense of his merit as an officer, and his zeal to serve these states, they submit to Congress the granting to him a sum to defray his expenses in coming to America, and to enable him to return to Europe; Whereupon,

*Ordered,* That a warrant issue on the treasurer in favor of colonel Knoblauch, for 5000 dollars, in order to defray his expenses in coming to America, and to enable him to return to Europe.

The committee on the treasury, in obedience to the order of Congress to report a reasonable allowance for the time and expenses of Silas Deane, esq. from the expiration of three months after the notice of his recal from Europe, finding the said three months to expire on the 4th of June, 1778, report,

That a warrant issue on the treasurer in favor of Silas Deane, esq. late commissioner of the United States at the court of France, for 10,000 dollars, in full consideration of his time and expenses during his attendance on Congress, from the 4th of June, 1778, until the 6th day of August instant:

A motion was made by Mr. Dickinson, seconded by Mr. Griffin, to strike out "ten thousand:"

On the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. Marchant,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	}	no	<i>Delaware,</i>	Mr. Dickinson,	no	}	div.
<i>Mass's-Bay,</i>	Mr. Lovell,	ay				M'Kean,	ay		
	Holten,	ay			<i>Maryland,</i>	Mr. Paca,	ay		
	Patridge,	ay	}	ay		Forbes,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Marchant,	ay			<i>Virginia,</i>	Mr. Smith,	ay		
<i>Connecticut,</i>	Mr. Huntington,	ay				Griffin,	no		
	Root,	no	}	no		Fleming,	no	}	no
	Spencer,	no			<i>N.-Carolina,</i>	Mr. Harnett,	no		
<i>New-York,</i>	Mr. Jay,	no				Hewes,	no		
	Lewis,	ay	}	div.		Sharpe,	ay	}	no
<i>New-Jersey,</i>	Mr. Scudder,	ay			<i>S.-Carolina,</i>	Mr. Laurens,	no		
<i>Pennsylvania,</i>	Mr. Armstrong,	ay				Matthews,	ay		
	Shippen,	ay	}	ay				}	div.
	Atlee,	ay							
	Searle,	ay							
	Wynkoop,	ay							

So the states being equally divided, the words were struck out.

A motion was then made by Mr. Spencer, seconded by Mr. Dickinson, to fill the blank with "fifteen thousand."

On which the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	}	no	<i>Rhode-Island,</i>	Mr. Marchant,	no	}	no
<i>Mass's-Bay,</i>	Mr. Lovell,	no			<i>Connecticut,</i>	Mr. Huntington,	no		
	Holten,	no				Root,	ay		
	Patridge,	no	}	no		Spencer,	ay	}	ay

<i>New-York,</i>	Mr. Jay,	no	} no	<i>Maryland,</i>	Mr. Paca,	no	} no
	Lewis,	no			Forbes,	no	
<i>New-Jersey,</i>	Mr. Scudder,	no	} no	<i>Virginia,</i>	Mr. Smith,	no	} ay
<i>Pennsylvania,</i>	Mr. Shippen,	no			Griffin,	ay	
	Atlee,	no	} no		Fleming,	ay	} ay
	Searle,	no		<i>N.-Carolina,</i>	Mr. Harnett,	ay	
	Wynkoop,	no			Hewes,	ay	
<i>Delaware,</i>	Mr. Dickinson,	ay	} div.	<i>S.-Carolina,</i>	Mr. Laurens,	no	} no
	M'Kean,	no			Matthews,	no	

So it passed in the negative.

A motion was then made by Mr. Smith, seconded by Mr. Searle, to fill the blank with "twelve thousand:"

On which the yeas and nays being required by Mr. Peabody,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
	Peabody,	no			M'Kean,	ay	
<i>Massa'etts-Bay,</i>	Mr. Lovell,	no	} no	<i>Maryland,</i>	Mr. Paca,	ay	} no
	Holten,	no			Carmichael,	no	
	Patridge,	no	} no		Forbes,	no	} ay
<i>Rhode-Island,</i>	Mr. Marchant,	no		<i>Virginia,</i>	Mr. Smith,	ay	
<i>Connecticut,</i>	Mr. Huntington,	no	} ay		Griffin,	ay	} ay
	Root,	ay			Fleming,	ay	
	Spencer,	ay	} no	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-York,</i>	Mr. Jay,	no			Hewes,	ay	
	Lewis,	no	} *		Sharpe,	no	} no
<i>New-Jersey,</i>	Mr. Scudder,	no		<i>S.-Carolina,</i>	Mr. Laurens,	no	
<i>Pennsylvania,</i>	Mr. Shippen,	no	} div.		Matthews,	no	} no
	Atlee,	no					
	Searle,	ay					
	Wynkoop,	ay					

So it passed in the negative.

A motion was then made by Mr. Smith, seconded by Mr. Sharpe, to fill the blank with "ten thousand five hundred."

On which the yeas and nays being required by Mr. Scudder,

<i>N.-Hampshire,</i>	Mr. Whipple,	no	} no	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
	Peabody,	no			M'Kean,	ay	
<i>Massa'etts-Bay,</i>	Mr. Lovell,	ay	} ay	<i>Maryland,</i>	Mr. Paca,	ay	} no
	Holten,	ay			Carmichael,	no	
	Patridge,	no	} ay		Forbes,	no	} ay
<i>Rhode-Island,</i>	Mr. Marchant,	ay		<i>Virginia,</i>	Mr. Smith,	ay	
<i>Connecticut,</i>	Mr. Huntington,	no	} ay		Fleming,	ay	} ay
	Root,	ay			Griffin,	ay	
	Spencer,	ay	} no	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-York,</i>	Mr. Jay,	no			Hewes,	ay	
	Lewis,	no	} *		Sharpe,	ay	} div.
<i>New-Jersey,</i>	Mr. Scudder,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	
<i>Pennsylvania,</i>	Mr. Atlee,	no	} div.		Matthews,	ay	} no
	Searle,	ay					

So it was resolved in the affirmative.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} no	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
<i>Massa'etts-Bay,</i>	Mr. Lovell,	ay			M'Kean,	ay	
	Holten,	ay	} ay	<i>Maryland,</i>	Mr. Paca,	ay	} ay
	Patridge,	no			Carmichael,	no	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay		Forbes,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	no		<i>Virginia,</i>	Mr. Smith,	ay	
	Root,	ay	} ay		Griffin,	ay	} ay
	Spencer,	ay			Fleming,	no	
<i>New-York,</i>	Mr. Jay,	no	} *	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-Jersey,</i>	Mr. Scudder,	ay			Hewes,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	no	} div.		Sharpe,	ay	} div.
	Searle,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	no	
					Matthews,	ay	

So it was resolved in the affirmative.

On motion of Mr. Laurens, seconded by Mr. Smith,

*Ordered*, That the board of treasury be directed to lay before Congress, on or before the 10th day of September next, an account of the whole amount of money received on loan at the several loan-offices in the United States, to the 28th of February, 1778, inclusive; also of the amount received from the 1st of March, 1778, to the said 10th of September, so far as returns shall have been made to that day, and that in each case the amount received on loan at each office be distinguished:

That the board of treasury do likewise lay before Congress a true account of the whole amount of money issued, and to be issued, by virtue of resolves of Congress already passed or which shall pass before the said 10th of September next, distinguishing the dates and amounts of each emission.

#### FRIDAY, *August 27, 1779.*

The committee, consisting of Mr. Atlee, Mr. Armstrong, Mr. Spencer, Mr. Dickinson and Mr. Matthews, to whom was referred a letter of the 15th from general Washington, with the papers enclosed relative to the western expedition, brought in a report; Whereupon,

*Resolved*, That the plan prepared by general Washington for conducting the western expedition, is in the opinion of Congress wise and judicious; that the measures he has taken for the execution of it are proper and prudent; and that Congress are perfectly satisfied with the general's conduct relative to the same.

*Resolved*, That Mr. Paca be appointed a member of the committee on appeals, in the room of Mr. Randolph, who is absent.

*Resolved* That a member be added to the committee on the treasury, in the room of Mr. Duane, who is absent: the member chosen, Mr. Hewes.

#### MONDAY, *August 30, 1779.*

*Resolved*, That the 500,000 dollars, which by a resolution of the 24th inst. were ordered to be transmitted for the use of the state of Georgia to the executive authority thereof, be sent to Joseph Clay, esq. pay-master to the department of South-Carolina and Georgia; and that he be directed to pay the same to the order of the governor and executive council of the said state of Georgia, established agreeable to the constitution of the said state, or in case no such establishment shall have been made, to be otherwise disposed of as the said J. Clay, esq. with the advice of major-general Lincoln, or the commander of the forces in that department for the time being, shall judge most conducive to the service and welfare of the said state of Georgia.

A letter, of the 26th, from the president of the state of Delaware, was read, informing that the act of that state, prohibiting the exportation of flour, grain, &c. expires the 1st day of September, &c. Whereupon,

On motion of Mr. Marchant, seconded by Mr. Paca,

*Resolved*, That the president of the state of Delaware be informed, it is the wish of Congress that the embargo might be continued until he shall be further informed from Congress.

#### WEDNESDAY, *September 1, 1779.*

The marine committee report, that it is necessary an agent for prizes be appointed for the state of New-Jersey; Whereupon,

*Resolved*, That Okey Hoaglandt, esq. be appointed agent for prizes for the state of New-Jersey.

A letter, of the 31st of August, from the board of war, was read, informing Congress that major Scull has signified his intention to resign his office of secretary to that board, and recommending captain Benjamin Stoddart to fill that office; Whereupon,

Congress proceeded to a choice; and, the ballots being taken, captain Benjamin Stoddart was unanimously elected secretary to the board of war.

Another letter, of the 31st of August, from the board of war, was read, enclosing a copy of general orders issued to the troops under his command by major-general Sullivan, reflecting upon the board; and representing that the characters of the board are made very free with in general Sullivan's army, who being under a deception, censure the members with great bitterness, and thereupon requesting the favour of Congress to appoint a committee to examine into their conduct and proceedings on this subject; Whereupon,

*Ordered*, That a committee of three be appointed for the purpose above-mentioned: the members chosen, Mr. Matthews, Mr. Root, and Mr. Armstrong.

A letter, of the 27th of Aug. from the board of war, was read; Whereupon,

*Resolved*, That the commissary-general of purchases be directed to appoint a deputy, for the special purpose of providing for the troops of the convention of Saratoga and their guards during their stay in Virginia:

On passing this, the yeas and nays being required by Mr. Laurens,

<i>New-Hampshire</i> , Mr. Whipple,	ay	} div.	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
Peabody,	no		Shippen,	no	
<i>Mass's-Bay</i> , Mr. Holten,	ay	} div.	<i>Delaware</i> , Mr. M'Kean,	no	} no
Patridge,	no		<i>Maryland</i> , Mr. Paca,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	Forbes,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	ay		<i>Virginia</i> , Mr. Smith,	ay	
Root,	ay	} ay	Fleming,	ay	} *
Spencer,	ay		<i>N.-Carolina</i> , Mr. Harnett,	ay	
<i>New-York</i> , Mr. Jay,	ay	} *	Sharpe,	ay	} ay
<i>New-Jersey</i> , Mr. Scudder,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	
Fell,	ay	} ay	Matthews,	ay	} div.
Houston,	ay				

So it was resolved in the affirmative.

*Resolved*, That he give orders to the said deputy to confine his purchases, to places from whence supplies for the armies of these states cannot conveniently be drawn.

*Resolved*, That the accounts of supplies for the said convention troops be kept distinct from the accounts of those purchased for, and issued to, the troops of the United States.

Congress proceeded to the consideration of the report of the committee relative to finance:

On motion of Mr. M'Kean, seconded by Mr. Smith,

*Resolved*, That the farther consideration of the report be postponed.

A motion was then made by Mr. M'Kean, seconded by Mr. Houston, in the words following:

Whereas it is inexpedient to derive the supplies for a continuance of the present war from emissions of bills of credit:

*Resolved*, That Congress will, on no account whatever, emit more bills of credit than to make the whole amount of such bills 200,000,000 of dollars:

Nor will they emit the 40,000,000 necessary to complete that sum, provided a sufficient supply of money for the public exigencies can be obtained by other means.

A division being required, when the question was about to be put on the first clause, the previous question was moved by Mr. Laurens, seconded by Mr. Smith: on which the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire</i> , Mr. Peabody,	no	} no	<i>Mass's-Bay</i> , Mr. Gerry,	no	} no
Whipple,	no		Holten,	no	
			Patridge,	no	} no
			<i>Rhode-Island</i> , Mr. Collins,	no	

<i>Connecticut,</i>	Mr. Root,	no	} no	<i>Maryland,</i>	Mr. Carmichael,	no	} no
<i>New-York,</i>	Mr. Jay,	no	} *		Paca,	no	} no
<i>New-Jersey,</i>	Mr. Scudder,	no	} no		Forbes,	ay	} no
	Fell,	no	} no	<i>Virginia,</i>	Mr. Smith,	ay	} ay
	Houston,	no	} no		Griffin,	no	} ay
<i>Pennsylvania,</i>	Mr. Armstrong,	no	} no		Fleming,	ay	} ay
	Shippen,	no	} no	<i>N.-Carolina,</i>	Mr. Harnett,	no	} no
	Wynkoop	no	} no		Hewes,	no	} no
<i>Delaware,</i>	Mr. M'Kean,	no	} no	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} div.
					Matthews,	no	} div.

So it passed in the negative.

The main question was then put, on which the yeas and nays being required by Mr. Smith,

<i>N.-Hampshire,</i>	Mr. Whipple,	ay	} ay	<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Peabody,	ay	} ay	<i>Maryland,</i>	Mr. Carmichael,	ay	} ay
<i>Mass'sts-Bay,</i>	Mr. Gerry,	ay	} ay		Paca,	ay	} ay
	Holten,	ay	} ay		Forbes,	no	} no
	Patridge,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	no	} no
<i>Rhode-Island,</i>	Mr. Collins,	ay	} ay		Griffin,	ay	} no
<i>Connecticut,</i>	Mr. Root,	ay	} ay		Fleming,	no	} no
<i>New-York,</i>	Mr. Jay,	no	} *	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay		Hewes,	ay	} ay
	Fell,	ay	} ay		Sharpe,	ay	} ay
	Houston,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	} div.
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay		Matthews,	ay	} div.
	Shippen,	ay	} ay				
	Wynkoop,	ay	} ay				

So it was resolved in the affirmative.

*Resolved,* That the consideration of the second clause be postponed.

#### THURSDAY, September 2, 1779.

The committee on the treasury, to whom was referred a petition of the rev. Mr. Lotbinier, brought in a report; Whereupon,

*Resolved,* That until the further order of Congress the rev. Mr. Lotbinier be allowed 200 dollars per month for subsistence.

The marine committee laid before Congress the proceedings of a court martial on the trial of John Emmes, late a pilot of the ship *Champion*, for desertion:

On motion of Mr. Matthews, seconded by Mr. Holten,

*Resolved,* That the execution of the sentence of the said court-martial be suspended until Saturday se'ennight.

#### FRIDAY, September 3, 1779.

Mr. Woodbury Langdon, a delegate from the state of New-Hampshire, attended, and took his seat in Congress.

*Resolved,* That two members be added to the medical committee: the members chosen, Mr. Peabody, and Mr. Muhlenberg.

Congress proceeded to consider the second clause of the resolution moved the 1st instant, and the same being set aside; in lieu thereof,

On motion of Mr. Laurens, seconded by Mr. Gerry,

Congress came to the following resolution:

And whereas the sum emitted by Congress and now in circulation amounts to 159,948,880 dollars, and the sum of 40,051,120 dollars remains to complete the 200,000,000 of dollars above mentioned:

*Resolved,* That Congress will emit such part only of the said sum of 40,051,120, dollars, as shall be absolutely necessary, for public exigencies before adequate supplies can be otherwise obtained, relying for such supplies in the exertions of the several states.

*Resolved,* That the consideration of the preamble first moved be postponed.

**SATURDAY, September 4, 1779.**

Congress being informed that Mr. W. H. Drayton, one of the delegates for the state of South-Carolina, died last night, and that circumstances required that his remains be interred this evening :

*Resolved*, That Congress will, in a body, attend the funeral this evening, at six o'clock, as mourners, with a crape round the left arm, and will continue in mourning for the space of one month.

*Resolved*, That Mr. Laurens, Mr. Matthews, and Mr. Harnett, be a committee to superintend the funeral ; and that the Rev. Mr. White, the attending chaplain, be notified to officiate on the occasion :

That the said committee be directed to invite the general assembly and the president and supreme executive council of Pennsylvania, the minister plenipotentiary of France, and other persons of distinction now in town, to attend the funeral.

The board of war, to whom was referred a letter of major-general Gates, report, that they have conversed with the gentleman styling himself le baron de Benyowsky, mentioned in general Gates's letter ; that they know nothing from any testimonials he produces except his having a letter directed to gen. Pulaski, who he says is his half-brother, and to whom he now desires only the means of going ; Whereupon,

*Resolved*, That Mons. le baron de Benyowsky be supplied with an horse and 1000 dollars, to enable him to proceed to general Pulaski, now with the southern army.

*Ordered*, That copies of the resolutions of Congress relative to the capture of the snow Nostra Sennora del Carmel et St. Antonio, captain Duarte, be sent by the committee for foreign affairs by different conveyances, to the minister plenipotentiary of the United States at the court of France, to be by him communicated to the court of Lisbon.

The committee, consisting of Mr. Matthews, Mr. Marchant, and Mr. Armstrong, to whom were referred letters from general Washington and colonel Simms, brought in a report ; Whereupon,

*Resolved*, That leave of absence from his regiment be given to lieutenant-colonel Simms till the 20th day of November next :

That copies of his applications to Congress and general Washington's letter, be transmitted to the governor of Virginia, and that it be signified to him, that as lieutenant-colonel Simms's application has been complied with at a time when his absence is with the greatest reluctance dispensed with, it is the wish of Congress that he may be enabled to rejoin his regiment as speedily as possible ; and that such measures may be taken respecting claims similar to that of lieutenant-colonel Simms, as may prevent other officers of the Virginia line making applications for the like indulgence of absence, which must in the midst of a campaign, be utterly inadmissible ; and that a copy of this resolution be transmitted to the governor of Virginia.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That until the further order of Congress, every cornet of horse be entitled to receive monthly for his subsistence, 100 dollars, to commence agreeable to an act of Congress of the 18th of August last.

On motion of Mr. Laurens, seconded by Mr. Holten,

*Resolved*. That so much of the resolutions respecting the establishment of a board of treasury as relates to the annual election of the officers, be referred to a committee of three : and that they be directed to report the salaries of the said officers : the members chosen, Mr. Laurens, Mr. Gerry, and Mr. Hewes.

**MONDAY, September 6, 1779.**

The committee on the quarter-master and commissary-general's department, consisting of Mr. Whipple, Mr. Root, and Mr. Scudder, laid before Con-



gress a letter of the 30th of August from Jeremiah Wadsworth, commissary-general of purchases, which was read :

*Ordered*, That it be referred to the marine committee ; and that they be directed to take the proper steps for obtaining a division of the prize goods lately captured by continental vessels, and cause such of the articles as they judge proper to be retained for the future order of Congress.

A report from the board of war was read ; Whereupon,

*Resolved*, That the quarter-master-general be directed to erect barracks, at the expense of the United States, for quartering the troops in the state of Rhode-Island :

That the said barracks be of such dimensions and situated in such place as general Gates, or other officer commanding the troops in that state for the time being, shall approve of.

The board of war, to whom was referred a letter of the 5th from general Washington, relative to the arrangement of the Massachusetts line of officers, brought in a report ; Whereupon,

*Resolved*, That the arrangement of the officers in the Massachusetts line, as now fixed by the commander in chief, be confirmed, and their commissions issued accordingly.

### WEDNESDAY, September 8, 1779.

The delegates for the state of New-York laid before Congress certain instructions which they have received from their constituents, accompanied with sundry papers, which were read ; also, a petition of the committees of Cumberland county to Congress was read, praying their speedy interposition in settling the disturbances upon the New-Hampshire Grants, accompanied with sundry papers :

*Ordered*, That the same be referred to a committee of five : the members chosen, Mr. M'Kean, Mr. Paca, Mr. Holten, Mr. Huntington, and Mr. Smith.

*Resolved*, That the president be requested to prepare a circular letter to the several states, to accompany the resolutions of Congress of the 1st and 3d instant, for stopping the further emissions of bills of credit.

Congress proceeded to the consideration of the motion for re-considering the resolution passed on the 21st of August, recommending to the several states to continue or lay embargoes to continue until the first day of January next.

A motion was made by Mr. M'Kean, seconded by Mr. Armstrong, to strike out " January," in order to insert instead thereof " October."

On the question, shall the word " January" stand ? the yeas and nays being required by Mr. Peabody,

<i>N.-Hampshire</i> , Mr. Whipple,	no	} no	<i>Pennsylvania</i> , Mr. Armstrong,	no	} no
Peabody,	ay		Searle,	ay	
Langdon,	no		Muhlenberg,	no	
<i>Massachusetts-Bay</i> , Mr. Lovell,	ay	} ay	<i>Delaware</i> , Mr. M'Kean,	no	} no
Holten,	no		<i>Maryland</i> , Mr. Carmichael,	no	
Patridge,	ay		Forbes,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>Virginia</i> , Mr. Smith,	no	} no
Collins,	ay		Griffin,	ay	
<i>Connecticut</i> , Mr. Huntington,	ay	} ay	Fleming,	no	
Root,	ay		<i>N.-Carolina</i> , Mr. Harnett,	no	} *
Spencer,	ay		<i>S.-Carolina</i> , Mr. Laurens,	ay	
<i>New-York</i> , Mr. Jay,	no	} div.	Matthews,	ay	
Lewis,	ay				
<i>New-Jersey</i> , Mr. Scudder,	ay	} ay			
Fell,	ay				
Houston,	no				

So it was resolved in the affirmative.

**THURSDAY, September 9, 1779.**

Mr. James Mercer, a delegate from the state of Virginia, attended and took his seat in Congress.

*Resolved*, That Mr. Griffin, at his request, be discharged from the committee on the treasury, on account of his ill state of health.

*Resolved*, That a member be added to the committee on the treasury, in the room of Mr. Griffin, until commissioners of the board of treasury shall be appointed: the member chosen, Mr. Marchant.

**FRIDAY, September 10, 1779.**

A report of the board of war was read; Whereupon, Congress came to the following resolutions:

It appearing from the representation of the board of war, that for the more comfortable accommodation of the troops of the United States, it is expedient that each state should provide clothing for its own quota of those troops, in addition to that which has been imported or already procured by the agents appointed by the said board:

*Resolved*, That it be earnestly recommended to the governments of the several states, immediately to provide large quantities of clothing for their respective quotas of troops:

That particular attention be paid to the articles of hats, hose, shirts, blankets, and shoes, which are indispensably necessary and immediately wanted, and without which the troops must severely suffer:

That the clothing so purchased or procured by the states respectively be delivered to the sub or state clothiers, agreeably to the ordinance of the 23d of March last:

That the sub or state clothiers make regular monthly returns to the clothier-general of all clothing received from their respective states:

That the executive powers of the several states be requested to correspond with the board of war, from time to time, informing them of their proceedings and prospects in the clothing business; that every assistance may be given, where necessary, by the said board, when the continental stock will admit thereof, and continental purchasers be stopped when a sufficiency of clothing is provided:

That it be also recommended to the governments of the respective states, to take measures for preventing any competition of prices among the purchasers, whether on account of the continent or particular states:

That the said governments be informed that the principal supplies of clothing for the troops of their respective quotas are expected from them; and to this end they are earnestly requested now diligently to exert themselves, and in future to make timely provision, either by purchase, manufacture, or importation:

That the board of war be directed to inform the executive powers of the several states, from time to time, of any considerable additions to the stock of clothing provided by the United States, by importation or otherwise, that whensoever all or any considerable part of the clothing for the troops is or shall be provided by the United States, the governments of the several states may cease further provision.

The committee on the treasury, according to order, laid on the table an account of the money received on loan, and of the whole amount of money issued and to be issued by virtue of resolves passed before this day.

**MONDAY, September, 13, 1779.**

Mr. Fitzhugh, a delegate for the state of Virginia, attended, and took his seat in Congress.

A letter, of the 7th, from general Washington, was read, enclosing a letter of the 30th of August, from major-general Sullivan:

*Ordered*, That it be referred to the committee appointed to correspond with major-general Lincoln.

*Resolved*, That two members be added to the said committee: the members chosen, Mr. Harnett and Mr. Fitzhugh.

The president laid before Congress a draught of a circular letter from the Congress of the United States of America, to their constituents, which was read twice and unanimously agreed to:

*Friends and Fellow-Citizens!*—In governments raised on the generous principles of equal liberty, where the rulers of the state are the servants of the people, and not the masters of those from whom they derive authority; it is their duty to inform their fellow-citizens of the state of their affairs, and by evincing the propriety of public measures, lead them to unite the influence of inclination to the force of legal obligation in rendering them successful. This duty ceases not, even in times of the most perfect peace, order and tranquillity, when the safety of the commonwealth is neither endangered by force or seduction from abroad, or by faction, treachery or misguided ambition from within. At this season, therefore, we find ourselves in a particular manner impressed with a sense of it, and can no longer forbear calling your attention to a subject much misrepresented, and respecting which, dangerous, as well as erroneous opinions have been held and propagated:—we mean your finances.

The ungrateful despotism and inordinate lust of domination, which marked the unnatural designs of the British king and his venal parliament, to enslave the people of America, reduced you to the necessity of either asserting your rights by arms, or ingloriously passing under the yoke. You nobly preferred war. Armies were then to be raised, paid and supplied: money became necessary for these purposes. Of your own there was but little; and of no nation in the world could you then borrow. The little that was spread among you could be collected only by taxes, and to this end regular governments were essential; of these you were also destitute. So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, and your faith was pledged for their redemption. After a considerable number of these had circulated, loans were solicited, and offices for the purpose established. Thus a national debt was unavoidably created, and the amount of it is as follows:—

Bills emitted and circulating, 159,948,880 dollars; monies borrowed before the 1st of March, 1778, the interest of which is payable in France, 7,545,196 67-90ths; monies borrowed since the first of March, 1778, the interest of which is payable here, 26,188,909; money due abroad, not exactly known, the balances not having been transmitted, supposed to be about \$4,000,000.

For your further satisfaction we shall order a particular account of the several emissions, with the times limited for their redemption, and also of the several loans, the interest allowed on each, and the terms assigned for their payment, to be prepared and published.

The taxes have as yet brought into the treasury no more than \$,027,560, so that all the monies supplied to Congress by the people of America, amount to no more than \$3,761,665 67-90 dollars, that being the sum of the loans and taxes received. Judge, then, of the necessity of emissions, and learn from whom and from whence that necessity arose.

We are also to inform you, that on the first day of September inst. we resolved “that we would, on no account whatever, emit more bills of credit than to make the whole amount of such bills 200,000,000 of dollars,” and as the sum emitted and in circulation amounted to 159,948,880 dollars, and the sum of 40,051,120 dollars remained to complete the 200,000,000 above-mentioned, we on the 3d day of September, inst. further resolved, “that we would emit such part only of the said sum of 40,051,120 dollars as should

be absolutely necessary for public exigencies before adequate supplies could otherwise be obtained, relying for such supplies on the exertions of the several states."

Exclusive of the great and ordinary expenses incident to the war, the depreciation of the currency has so swelled the prices of every necessary article, and of consequence made such additions to the usual amount of expenditures, that very considerable supplies must be immediately provided by loans and taxes; and we unanimously declare it to be essential to the welfare of these states, that the taxes already called for be paid into the continental treasury by the time recommended for that purpose. It is also highly proper that you should extend your views beyond that period, and prepare in season, as well for bringing your respective quotas of troops into the field early the next campaign, as for providing the supplies necessary in the course of it. We shall take care to apprise you, from time to time, of the state of the treasury, and to recommend the proper measures for supplying it. To keep your battalions full, to encourage loans, and to assess your taxes with prudence, collect them with firmness, and pay them with punctuality, is all that will be requisite on your part. Further ways and means of providing for the public exigencies are now under consideration, and will soon be laid before you.

Having thus given you a short and plain state of your debt, and pointed out the necessity of punctuality in furnishing the supplies already required, we shall proceed to make a few remarks on the depreciation of the currency, to which we entreat your attention.

The depreciation of bills of credit is always either natural or artificial, or both. The latter is our case. The moment the sum in circulation exceeded what was necessary as a medium in commerce, it began and continued to depreciate in proportion as the amount of the surplus increased; and that proportion would hold good until the sum emitted should become so great as nearly to equal the value of the capital or stock, on the credit of which the bills were issued. Supposing, therefore, that 30,000,000 was necessary for a circulating medium, and that 160,000,000 had issued, the natural depreciation is but little more than as five to one: but the actual depreciation exceeds that proportion, and that excess is artificial. The natural depreciation is to be removed only by lessening the quantity of money in circulation. It will regain its primitive value whenever it shall be reduced to the sum necessary for a medium of commerce. This is only to be effected by loans and taxes.

The artificial depreciation is a more serious subject, and merits minute investigation. A distrust (however occasioned) entertained by the mass of the people, either in the ability or inclination of the United States to redeem their bills, is the cause of it. Let us enquire how far reason will justify a distrust in the ability of the United States.

The ability of the United States must depend on two things; first, the success of the present revolution; and secondly, on the sufficiency of the natural wealth, value and resources of the country.

That the time has been when honest men might, without being chargeable with timidity, have doubted the success of the present revolution, we admit: but that period is passed. The independence of America is now as fixed as fate, and the petulant efforts of Britain to break it down are as vain and fruitless as the raging of the waves which beat against their cliffs. Let those who are still afflicted with these doubts consider the character and condition of our enemies. Let them remember that we are contending against a kingdom crumbling into pieces; a nation without public virtue; and a people sold to, and betrayed by, their own representatives; against a prince governed by his passions, and a ministry without confidence or wisdom;

against armies half paid and generals half trusted; against a government equal only to plans of plunder, conflagration and murder; a government, by the most impious violations of the rights of religion, justice, humanity, and mankind, courting the vengeance of Heaven and revolting from the protection of Providence. Against the fury of these enemies you made successful resistance, when single, alone and friendless, in the days of weakness and infancy, before your hands had been taught to war or your fingers to fight. And can there be any reason to apprehend that the divine disposer of human events, after having separated us from the house of bondage, and led us safe through a sea of blood, towards the land of liberty and promise, will leave the work of our political redemption unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of oppression, from whose tyranny he hath mercifully delivered us with a stretched out arm?

In close alliance with one of the most powerful nations in Europe which has generously made our cause her own, in amity with many others, and enjoying the good will of all, what danger have we to fear from Britain? Instead of acquiring accessions of territory by conquest, the limits of her empire daily contract: her fleets no longer rule the ocean, nor are her armies invincible by land. How many of her standards, wrested from the hands of her champions, are among your trophies, and have graced the triumphs of your troops? and how great is the number of those, who, sent to bind you in fetters, have become your captives, and received their lives from your hands? In short, whoever considers that these states are daily increasing in power; that their armies have become veteran; that their governments, founded in freedom, are established; that their fertile country and their affectionate ally furnish them with ample supplies; that the Spanish monarch, well prepared for war, with fleets and armies ready for combat, and a treasury overflowing with wealth, has entered the lists against Britain; that the other European nations, often insulted by her pride, and alarmed by the strides of her ambition, have left her to her fate; that Ireland, wearied with her oppressions, is panting for liberty, and even Scotland displeased and uneasy at her edicts: whoever considers these things, instead of doubting the issue of the war, will rejoice in the glorious, the sure and certain prospect of success.

This point being established, the next question is, whether the natural wealth, value and resources of the country, will be equal to the payment of the debt?

Let us suppose for the sake of argument, that at the conclusion of the war, the emissions should amount to 200,000,000; that exclusive of supplies from taxes, which will not be inconsiderable, the loans should amount to 100,000,000, then the whole national debt of the United States would be 300,000,000. There are at present 3,000,000 of inhabitants in the 13 states: 300,000,000 of dollars, divided among 3,000,000 of people, would give to each person 100 dollars; and is there an individual in America unable, in the course of 18 or 20 years, to pay it again? Suppose the whole debt assessed, as it ought to be, on the inhabitants in proportion to their respective estates, what would then be the share of the poorer people? Perhaps not 10 dollars. Besides, as this debt will not be payable immediately, but probably 20 years allotted for it, the number of inhabitants by that time in America will be far more than double their present amount. It is well known that the inhabitants of this country increased almost in the ratio of compound interest. By natural population they doubled every 20 years, and how great may be the host of emigrants from other countries cannot be ascertained. We have the highest reason to believe the number will be immense. Suppose that only 10,000 should arrive the first year after the war, what will those 10,000 with their families count in 20 years time?—probably double the number.



This observation applies with proportionable force to the emigrants of every successive year. Thus you see great part of your debt will be payable not merely by the present number of inhabitants, but by that number swelled and increased by the natural population of the present inhabitants, by multitudes of emigrants daily arriving from other countries, and by the natural population of those successive emigrants, so that every person's share of the debt will be constantly diminishing by others coming in to pay a proportion of it.

These are advantages which none but young countries enjoy. The number of inhabitants in every country in Europe remains nearly the same from one century to another. No country will produce more people than it can subsist, and every country, if free and cultivated, will produce as many as it can maintain. Hence we may form some idea of the future population of these states. Extensive wildernesses, now scarcely known or explored, remain yet to be cultivated, and vast lakes and rivers, whose waters have for ages rolled in silence and obscurity to the ocean, are yet to hear the din of industry, become subservient to commerce, and boast delightful villas, gilded spires, and spacious cities rising on their banks.

Thus much for the number of persons to pay the debt. The next point is their ability. They who enquire how many millions of acres are contained only in the settled part of North-America, and how much each acre is worth, will acquire very enlarged, and yet very inadequate ideas of the value of this country. But those who will carry their enquiries further, and learn that we heretofore paid an annual tax to Britain of 3,000,000 sterling in the way of trade, and still grew rich; that our commerce was then confined to her; that we were obliged to carry our commodities to her market, and consequently to sell them at her price; that we were compelled to purchase foreign commodities at her stores, and on her terms, and were forbid to establish any manufactories incompatible with her views of gain; that in future the whole world will be open to us, and we shall be at liberty to purchase from those who will sell on the best terms, and to sell to those who will give the best prices; that as the country increases in number of inhabitants and cultivation, the productions of the earth will be proportionably increased, and the riches of the whole proportionably greater. Whoever examines the force of these and similar observations, must smile at the ignorance of those who doubt the ability of the United States to redeem their bills.

Let it also be remembered that paper money is the only kind of money which cannot "make unto itself wings and fly away." It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it. On the contrary, should Great-Britain, like Nineveh (and for the same reason) yet find mercy and escape the storm ready to burst upon her, she will find her national debt in a very different situation; her territory diminished, her people wasted, her commerce ruined, her monopolies gone, she must provide for the discharge of her immense debt by taxes to be paid in specie, in gold or silver perhaps now buried in the mines of Mexico or Peru, or still concealed in the brooks and rivulets of Africa or Indostan.

Having shewn that there is no reason to doubt the ability of the United States to pay their debt, let us next enquire whether as much can be said for their inclination.

Under this head three things are to be attended to:

1st. Whether and in what manner the faith of the United States has been pledged for the redemption of their bills:

2d. Whether they have put themselves in a political capacity to redeem them; and,

3d. Whether, admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith.



1st. It must be evident to every man who reads the journals of Congress, or looks at the face of one of their bills, that Congress have pledged the faith of their constituents for the redemption of them. And it must be equally evident, not only that they had authority to do so, but that their constituents have actually ratified their acts by receiving their bills, passing laws establishing their currency, and punishing those who counterfeit them. So that it may with truth be said that the people have pledged their faith for the redemption of them, not only collectively by their representatives, but individually.

2d. Whether the United States have put themselves in a political capacity to redeem their bills, is a question which calls for more full discussion.

Our enemies, as well foreign as domestic, have labored to raise doubts on this head. They argue that the confederation of the states remains yet to be perfected; that the union may be dissolved, Congress be abolished, and each state, resuming its delegated powers, proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent state. In such an event, say they, the continental bills of credit, created and supported by the union, would die with it. This position being assumed, they next proceeded to assert this event to be probable, and in proof of it, urge our divisions, our parties, our separate interests, distinct manners, former prejudices, and many other arguments equally plausible and equally fallacious. Examine this matter.

For every purpose essential to the defence of these states in the progress of the present war, and necessary to the attainment of the objects of it, these states now are as fully, legally, and absolutely confederated as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of 1776. You will find that they establish an union for the express purpose of opposing the oppressions of Britain, and obtaining redress of grievances. On the 4th of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did, in the name of the people of the thirteen United Colonies, declare them to be free and independent states, and "for the support of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their LIVES, their FORTUNES, and their SACRED HONOR." Was ever confederation more formal, more solemn, or explicit? It has been expressly assented to and ratified by every state in the union. Accordingly, for the direct support of this declaration, that is, for the support of the independence of these states, armies have been raised, and bills of credit emitted and loans made to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several states for expenditures or services for the common benefit, and in this common cause, are among the objects of this confederation; and consequently, while all or any of its objects remain unattained, it cannot, so far as it may respect such objects, be dissolved, consistent with the laws of God or man.

But we are persuaded, and our enemies will find that our union is not to end here. They are mistaken when they suppose us kept together only by a sense of present danger. It is a fact which they only will dispute, that the people of these states were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection (having been brethren in affliction,) the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight and splendor of the union, all conspire in forming a strong chain of connexion, which must forever bind us together. The United Pro-

vinces of the Netherlands and the United Cantons of Switzerland became free and independent under circumstances very like ours: their independence has been long established, and yet their confederacies continue in full vigor. . . What reason can be assigned why our union should be less lasting? or why should the people of these states be supposed less wise than the inhabitants of those? You are not uninformed that a plan for a perpetual confederation has been prepared and that twelve of the thirteen states have already acceded to it. But enough has been said to shew that for every purpose of the present war, and all things incident to it, there does at present exist a perfect solemn confederation, and therefore that the states now are and always will be in political capacity to redeem their bills, pay their debts and settle their accounts.

3d. Whether, admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a wanton violation of the public faith?

It is with great regret and reluctance that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

The enemy, aware that the strength of America lay in the union of her citizens, and the wisdom and integrity of those to whom they committed the direction of their affairs, have taken unwearied pains to disunite and alarm the people, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed in them by their constituents. To this end, repeated attempts have been made to draw an absurd and fanciful line of distinction between the Congress and the people, and to create an opinion and a belief that their interests and views were different and opposed. Hence the ridiculous tales, the invidious insinuations, and the whimsical suspicions that have been forged and propagated by disguised emissaries and traitors in the garb of patriots. Hence has proceeded the notable discovery that as the Congress made the money they also can destroy it; and that it will exist no longer than they find it convenient to permit it. It is not surprising that in a free country, where the tongues and pens of such people are and must be licensed, such political heresies should be inculcated and diffused, but it is really astonishing that the mind of a single virtuous citizen in America should be influenced by them. It certainly cannot be necessary to remind you that your representatives here are chosen from among yourselves; that you are or ought to be acquainted with their several characters; that they are sent here to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of those purposes would be null and void.

We should pay an ill compliment to the understanding and honor of every true American, were we to adduce many arguments to shew the baseness or bad policy of violating our national faith, or omitting to pursue the measures necessary to preserve it. A bankrupt faithless republic would be a novelty in the political world, and appear among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea: her citizens know for what purposes these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession, and every man is interested in their being redeemed: they must therefore entertain a high opinion of American credulity, who suppose the people capable of believing, on due reflection, that all America will, against the faith, the honor and the interest of all America, be ever prevailed upon to countenance, support or permit so ruinous, so disgraceful a measure. We are convinced that

the efforts and arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice, and the suggestions of chagrin and disappointment, at not being able to bend our necks to their yoke, they will endeavour to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may thenceforth be a reproach and a bye word among the nations. Apprized of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

If then neither our ability or inclination to discharge the public debt are justly questionable, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations. Had the attention of America to this object been unremitted, had taxes been seasonably imposed and collected, had proper loans been made, had laws been passed and executed for punishing those who maliciously endeavoured to injure the public credit; had these and many other things equally necessary been done, and had our currency, notwithstanding all these efforts, declined to its present degree of depreciation, our case would indeed have been deplorable. But as these exertions have not been made, we may yet experience the good effects which naturally result from them. Our former negligences therefore should now animate us with hope, and teach us not to despair of removing by vigilance and application the evils which supineness and inattention have produced.

It has been already observed, that in order to prevent the further natural depreciation of our bills, we have resolved to stop the press, and to call upon you for supplies by loans and taxes. You are in capacity to afford them, and are bound by the strongest ties to do it. Leave us not therefore without supplies, nor let in that flood of evils which would follow from such a neglect. It would be an event most grateful to our enemies, and depend upon it they will redouble their artifices and industry to compass it. Be therefore upon your guard, and examine well the policy of every measure and the evidence of every report that may be proposed or mentioned to you before you adopt the one or believe the other. Recollect that it is the price of the liberty, the peace and the safety of yourselves and posterity, that now is required; that peace, liberty and safety, for the attainment and security of which, you have so often and so solemnly declared your readiness to sacrifice your lives and fortunes. The war, though drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us be prepared for every event. Provide, therefore, for continuing your armies in the field till victory and peace shall lead them home, and avoid the reproach of permitting the currency to depreciate in your hands, when by yielding a part to taxes and loans, the whole might have been appreciated and preserved. Humanity as well as justice makes this demand upon you, the complaints of ruined widows, and the cries of fatherless children, whose whole support has been placed in your hands and melted away, have doubtless reached you: take care that they ascend no higher. Rouse, therefore, strive who shall do most for his country; re-kindle that flame of patriotism which at the mention of disgrace and slavery blazed throughout America, and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it never be said that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring and almost adoring the splendor of her rising.

By the unanimous order of Congress,  
Philadelphia, September 13th, 1779.

JOHN JAY, *President.*

TUESDAY, *September 14, 1779.*

Mr. Jenifer, a delegate from the state of Maryland, attended, and took his seat in Congress.

A memorial of the proprietors of a tract of land called Indiana, signed on behalf of the proprietors, and as their agent, by George Morgan, was read, stating "that on the 3d day of November, 1768, at a general Congress with the Six Nations and other Indians, held at Fort-Stanwix, in consideration of the sum of £85,916 10 8, the amount of the value of the damages sustained by the traders, the said Six United and Independent Nations, the true and absolute owners and proprietors, did grant a tract of land called Indiana, described as follows, viz. Beginning at the southerly side of the mouth of Little Kennawa creek, where it empties itself into the river Ohio, and running from thence south-east to the Laurel-Hill, thence along the Laurel-Hill until it strikes the river Monongahala, thence down the stream of the said river Monongahala, according to the several courses thereof, to the southern boundary line of the province of Pennsylvania, thence westerly along the course of the said province boundary line, as far as the same shall extend, and from thence by the same course to the river Ohio, thence down the said river Ohio, according to the several courses thereof, to the place of beginning: that the said tract of land, thus obtained for so valuable a consideration, and with every circumstance of notoriety and authority that can give validity to any grant, was afterwards (as being included within the bounds of a larger tract of land called Vandalia,) by order of the king of Great-Britain in council, before the declaration of the independency of these United States, separated from the dominion which, in right of the crown, Virginia claimed over it. And therefore the memorialists are advised, that the said tract of country cannot remain subject to the jurisdiction of Virginia or any particular state, but of the whole United States in Congress assembled: that some acts of the state of Virginia, directing the sale of the lands in question, to commence in October next, for the particular benefit of that state, seem intended to prevent and defeat the interposition of Congress, and therefore praying this honourable house to take the distressed case of the memorialists into speedy consideration, and that such order may be directed as may be thought proper to stay Virginia in the sale of the lands in question, till Virginia, as well as the memorialists, can be heard before this honourable house, and the whole rights of the owners of the tract of land called Vandalia, of which Indiana is a part, shall be ascertained in such a manner as may tend to support the sovereignty of the United States and the just rights of individuals therein."

Also a memorial of William Trent, in behalf of Thomas Walpole and his associates, claiming a right to the tract of land called Vandalia, was read.

A motion was made by Mr. Scudder, seconded by Mr. Fell, that the first memorial, signed by George Morgan, be referred to a committee.

On which the yeas and nays being required by Mr. Scudder,

<i>N.-Hampshire,</i>	Mr. Langdon,	no	>no	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
<i>Massa'sts-Bay,</i>	Mr. Gerry,	no	} no	<i>Maryland,</i>	M'Kean,	ay	
	Holten,	ay			Mr. Carmichael,	ay	} ay
	Patridge,	no	} ay		Forbes,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	ay			Jenifer,	ay	} no
	Collins,	ay	} ay	<i>Virginia,</i>	Mr. Smith,	no	
<i>Connecticut,</i>	Mr. Root,	ay			Griffin,	no	
	Spencer,	ay	} div.		Fleming,	no	
<i>New-York,</i>	Mr. Jay,	no			Mercer,	no	} no
	Lewis,	ay	} ay	<i>N.-Carolina,</i>	Mr. Harnett,	no	
<i>New-Jersey,</i>	Mr. Scudder,	ay			Sharpe,	no	} no
	Fell,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	no	
	Houston,	ay			Matthews,	no	} ay
<i>Pennsylvania,</i>	Mr. Shippen,	ay	} ay				
	Atlee,	ay					
	Searle,	ay					
	Muhlenberg,	ay					

So it was resolved in the affirmative.

*Resolved*, That the committee consist of five.

**WEDNESDAY, September 15, 1779.**

A letter, of this day, from the hon. sieur Gerard, minister plenipotentiary of France, was read, desiring, in the course of this week, an audience, in order that he may take his leave :

*Resolved*, That Friday next be assigned for granting a private audience to the hon. sieur Gerard, minister plenipotentiary of France, in order to his taking leave.

Another letter, of this day, from the said minister plenipotentiary, was read, informing that "he has constituted the sieur James Wilson advocate-general of the French nation, in order that he may be charged with all the causes and matters relative to navigation and commerce."

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That a copy of col. Butler's letter of the 21st of August, which was enclosed in gen. Washington's letter of the 23d of the said month, and referred to the board of treasury, be transmitted to the auditors of the main army, who are directed to allow him 2316 dollars, the sum mentioned in his letter, on his making oath to the facts set forth in the same.

*Resolved*, That all applications in future for moneys for the use of the different departments under the direction of the board of war, be made to the treasury by the pay-master of the said board, who is instructed to have them previously certified by the board of war ; and that for all sums granted in consequence of such applications the said pay-master be accountable.

**THURSDAY, September 16, 1779.**

A memorial from capt. William Macpherson was read ; Whereupon,

*Resolved*, That a brevet of major in the army of the United States be granted to William Macpherson, and that, while in actual service, he receive the pay and subsistence of a major.

*Ordered*, That major Macpherson repair to the southern army, and receive the orders of major-general Lincoln, or the commanding officer in that department for the time being.

The committee, consisting of Mr. Muhlenberg, Mr. Marchant, and Mr. Smith, to whom a memorial from col. Knoblauch was referred, brought in a report, which was taken into consideration ; and thereupon Congress came to the following resolutions :

*Resolved*, That although col. Knoblauch brought with him very respectable recommendations to a member of Congress, and to gen. Washington, yet it is inconsistent with the arrangement of the army to employ him agreeable to his wishes.

*Resolved*, That Congress entertain a proper sense of col. Knoblauch's zeal for the cause of America, and that the sum of 10,000 dollars be paid to col. Knoblauch, in order to defray his expenses to Europe, and those incurred during his residence in America.

*Resolved*, That the order of the 26th of August, in favor of colonel Knoblauch, be cancelled.

The board of war, to whom was referred the letter from major Widdersheime, brought in a report ; Whereupon,

*Resolved*, That major Widdersheime be informed, that, though Congress entertain a proper sense of his offer to enter into the service of these states, yet it is impracticable to employ him in the line of the army, consistent with the arrangement thereof.

A letter, of this day, from William Palfrey, pay-master general, was read, informing that John Baynton has resigned the office of pay-master for the



western district, and that it is necessary another person be appointed to succeed him ; Whereupon,

Congress proceeded to an election, and the ballots being taken, John Boreman was elected deputy pay-master for the western district, in the room of Mr. John Baynton, resigned.

FRIDAY, *September 17, 1779.*

*Resolved*, That two members be appointed to introduce the minister to the private audience : the members chosen, Mr. Laurens and Mr. Jenifer.

The minister being introduced, took his leave in a speech, of which the following is a translation :

*" Gentlemen :* The king my master, having been pleased to attend to the representations which my ill state of health obliged me to make to him, his majesty has granted me leave to return. At the same time he has taken care to send a new minister plenipotentiary to America, that there may be no interruption in his care to cultivate a mutual friendship. I must leave it to the abilities of Mons. the chevalier de la Luzerne to explain to you his majesty's sentiments, and confine myself, at this time, in testifying to you, gentlemen, the satisfaction I shall have in rendering him an account of the occurrences which I have been witness of for more than a year during my residence with you. His majesty will thereby perceive the sentiments with which your councils are animated and governed, your wisdom, your firmness, your attachment to the alliance, and your zeal for the prosperity of the common cause and the two nations respectively. He will see with pleasure that that inestimable union, which constitutes the principal force and weight of the confederacy, reigns among the United States ; that the citizens are so far from being wanting in zeal and spirit to repel incursions which can have no other object than a barbarous devastation, that there is not an American who is not sensible of the necessity of concurring to humble still further and weaken the common enemy, by efforts proportionate to the importance of happily terminating a glorious revolution, and of securing, as speedily as possible, to the United States of America, by a solid and honorable peace, the inestimable advantages of liberty and independence, which is the essential and fundamental object of the alliance and of the war kindled and rendered necessary by England.

It only remains for me, gentlemen, to offer you as a body and as individuals, the tribute of my thanks for the marks of confidence and esteem, and also of attention which I have received from you ; I have always endeavoured to deserve them by the most sincere and zealous attachment to the interests and dignity of the United States, as well as to the principles and sentiments resulting from the alliance. I have not been wanting in zeal for every thing that could have any relation to that object, and that could farther cement the connexions, whether political or personal, between the two nations. The most flattering recompence of all my labours would be the testimony of your satisfaction."

To which the President, in behalf of Congress, returned the following answer :

*" SIR :* We receive with much concern the intimation you have given us, that the bad state of your health obliges you to leave America : though at the same time we are sensible of the continued friendly care of his most Christian majesty in sending a new minister plenipotentiary to these states.

Great as our regret is in thus parting with you, yet it affords us pleasure to think how well-disposed you are to improve the favourable opportunities you will have on your return to France, of evincing to his majesty the reality of those sentiments on our part, which may justly be termed the animating principles of the United States.



By such representations the king will be assured, that the citizens of these states observe, with the most lively satisfaction, the repeated instances of his amity for them; that they regard the alliance as an inestimable connexion, endeared to them by the purity of the motives on which it was founded, the advantages derived from it, and the blessings it promises to both nations; that their resolution of securing its essential objects, liberty and independence, is unalterable; that they are determined by all the exertions in their power to advance the common cause, and to demonstrate that while they are attentive to their own interests, they as ardently desire to approve themselves not only faithful but affectionate allies.

By a residence of more than a year near Congress, you are enabled to form a competent judgment of the difficulties we have had to encounter as well as of our efforts to remove them.

Sir, we should be deficient in the respect due to distinguished merit, if we should fail to embrace this opportunity of testifying the high esteem which you have obtained throughout this country by your public and private conduct. You have happily combined a vigilant devotion for the dignity and interest of our most excellent and illustrious ally, with a zealous attachment to the honor and welfare of these states.

Your prudence, integrity, ability and diligence in discharging the eminent trust reposed in you, have secured our entire confidence, and now solicit from us the strongest declarations of our satisfaction in your behaviour.

That you may be blessed with a favourable voyage, the approbation of your sovereign, the perfect recovery of your health, and all happiness, is among the warmest wishes of every member of this body."

The marine committee, to whom was referred the letter from admiral Arbuthnot, dated at New-York, the 30th of August, 1779, report,

"That on an enquiry they find there is a person of the name of Willbank now in the prison of this city, who was taken a pilot of the sloop Hotham; that there is also in the said prison a person of the name of Papley: that those persons, as well as other prisoners in general, are in comfortable rooms, provided with good provisions, and indulged with the liberty of the yard at certain hours every day, and are not "in close and cruel confinement," as is suggested in the admiral's letter:

*Resolved*, That the President return an answer to admiral Arbuthnot's letter, and enclose him a copy of the foregoing report.

The marine committee, to whom was referred a letter of the 27th of August, from governor Livingston, enclosing a letter from Mr. Musco Livingston, report,

"That it is not eligible to employ Mr. Musco Livingston in the way he proposed, and recommend that his letter and certificate be returned to governor Livingston:"

*Resolved*, That Congress agree to the said report.

On motion of Mr. Laurens, seconded by Mr. Armstrong,

*Resolved*, That in consideration of the distinguished merit of lieutenant-colonel Talbot; a commission of captain in the navy of the United States be given him, but that his pay and rations as lieutenant-colonel cease while actually employed in the navy; and that the marine committee be directed to provide a proper vessel for him as soon as possible.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That 5,000,180 dollars be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of credit of the following denominations, viz.

27,028 bills of 80 dollars,	2,162,240	27,028 bills of 3 dollars,	81,084
27,028 do. 70	1,891,960	27,028 do. 2	54,056
27,028 do. 20	540,560	27,028 do. 1	27,028
27,028 do. 5	135,140		
27,028 do. 4	108,112		
			<hr/> 5,000,180

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 17th day of July last, and be numbered from the last number in each respective denomination progressively.

*Resolved*, That a farther sum of 10,000,080 dollars, be emitted under the direction of the board of treasury, and on the faith of the United States, in bills of credit, of the following denominations, viz.

26,316 bills of 65 dollars,	1,710,540	26,316 bills of 40 dollars,	1,052,640
26,316 do. 60	1,578,960	26,316 do. 35	921,060
26,316 do. 55	1,447,380	26,316 do. 30	789,480
26,316 do. 50	1,315,800		
26,316 do. 45	1,184,220		
			<hr/> 10,000,080

That the bills, excepting the numbers, be of the same tenor and date as the emissions directed on the 14th of January last, and be numbered from the last number in every denomination progressively.

*Ordered*, That the committee of commerce forthwith report a proper allowance for the commercial and other continental agents in these United States, and that the marine committee and committee of commerce direct their respective agents forthwith to render their accounts in order for settlement.

The committee on the treasury, to whom was referred the letter of the 8th, from the board of war, brought in a report; Whereupon,

*Resolved*, That Congress entertain a just sense of the exertions of the board of war, in superintending and directing the necessary purchases of clothing for the army, and of their constant attention to that important business, and that it is necessary the board should, for the present campaign, and until some more expedient arrangement can be adopted, provide by every means in their power, and upon the best terms they are able, the necessary supplies of clothing as aforesaid.

The committee, to whom was referred the petition of the committees of Cumberland county, together with instructions from the senate and assembly of the state of New-York to their delegates in Congress, and other papers accompanying the same, brought in a report.

### MONDAY, September 20, 1779.

The committee, consisting of Mr. Laurens, Mr. Marchant, Mr. Holten, Mr. Harnett, Mr. Fitzhugh, appointed to correspond with major-general Lincoln, and to whom was referred a letter of the 7th from general Washington, brought in a report; Whereupon,

*Resolved*, That it is expedient and necessary to detach the North-Carolina troops, now at or near West-Point, to join the troops under the command of major-general Lincoln in South-Carolina, and that the pleasure of Congress be signified thereon to the commander in chief.

The second paragraph being amended, a division was called for; and on the question to agree to the first clause, the yeas and nays being required by Mr. Sharpe,

<i>N. Hampshire</i> , Mr. Peabody	ay	ay	<i>Maryland</i> , Mr. Carmichael,	no	
<i>Mass'ets-Bay</i> , Mr. Gerry,	no		Forbes,	no	no
Holten,	ay	no	Jenifer,	no	
Patridge,	no		<i>Virginia</i> , Mr. Griffin,	ay	ay
<i>Rhode-Island</i> , Mr. Collins,	no	no	Mercer,	ay	
<i>Connecticut</i> , Mr. Huntington,	ay	ay	Fitzhugh,	ay	
Root,	ay		<i>N-Carolina</i> , Mr. Harnett,	ay	ay
<i>New York</i> , Mr. Jay,	no	div.	Hughes,	ay	
Lewis,	ay		Sharpe,	ay	
<i>Pennsylvania</i> , Mr. Armstrong,	ay		<i>S. Carolina</i> , Mr. Laurens,	ay	ay
Shippen,	ay	ay	Matthews,	ay	
Atlee,	ay				
Muhlenberg,	ay				

So it was resolved in the affirmative.

That three of the continental frigates or ships of war, now in the port of Boston, or elsewhere in the eastern states, be ordered to repair to South-Carolina, with all possible expedition, after having received on board at such place as the marine committee shall appoint, as many of the North-Carolina troops, with stores and baggage, as the said frigates or ships of war can safely accommodate, and taking under their protection one or more transport or transports, if necessary to be employed for conducting such of the said troops and necessary stores for the voyage, as the three frigates or ships of war cannot conveniently receive or take on board.

On the question to agree to the latter clause, from the word "expedition," the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire,</i>	Mr. Peabody,	ay	ay	<i>Virginia,</i>	Mr. Smith,	no	
<i>Mass'tts-Bay,</i>	Mr. Lovell,	ay	} div.		Griffin,	ay	} ay
	Holten,	no			Mercer,	ay	
<i>Connecticut,</i>	Mr. Root,	ay	ay		Fitzhugh,	ay	
<i>New-York,</i>	Mr. Jay,	no	} no	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
	Lewis,	no			Hewes,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay	<i>S.-Carolina,</i>	Mr. Laurens,	ay	} ay
	Atlee,	ay			Matthews,	ay	
	Muhlenberg,	ay					
<i>Maryland,</i>	Mr. Carmichael,	no	} no				
	Forbes,	no					
	Jenifer,	no					

So it was resolved in the affirmative.

*Resolved,* That the marine committee be directed immediately to take order for hiring such transports as shall be found necessary, and for despatching the said frigates or ships of war with their convoy without delay :

That the commander in chief be directed to order the North-Carolina troops to proceed to such place or places as the marine committee shall advise :

That the marine committee be directed to give orders to the commanding officer of the frigates or ships of war going to South-Carolina, to confer and co-operate with major-general Lincoln, or the commanding officer for the time being, till further orders from the marine committee :

That the said commanding officer be directed to confer on all naval operations with the governor and executive council of the state of South-Carolina, and that it be recommended to the said state to afford every practicable and necessary aid and assistance for promoting and effectuating such purposes.

On the question to agree to the whole set of resolutions on the report, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Peabody,	ay	ay	<i>Maryland,</i>	Mr. Carmichael,	no	} no
<i>Mass'tts-Bay,</i>	Mr. Gerry,	no	} no		Forbes,	no	
	Holten,	ay			Jenifer,	no	
	Patridge,	no		<i>Virginia,</i>	Mr. Smith,	no	} ay
<i>Rhode-Island,</i>	Mr. Collins,	ay	ay		Griffin,	ay	
<i>Connecticut,</i>	Mr. Root,	ay	ay		Mercer,	ay	
<i>New-York,</i>	Mr. Jay,	no	} div.	<i>N.-Carolina,</i>	Fitzhugh,	ay	} ay
	Lewis,	ay			Mr. Harnett,	ay	
<i>Pennsylvania,</i>	Mr. Armstrong,	ay	} ay		Hewes,	ay	
	Atlee,	ay			Sharpe,	ay	} ay
	Muhlenberg,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	
					Matthews,	ay	

So it was resolved in the affirmative.

*Resolved,* That the report of the committee on the petition from Cumberland, &c. be referred to a committee of the whole.

WEDNESDAY, September 22, 1779.

The committee of commerce having informed Congress that a prize, cap-

tured by a continental ship of war, is carried into Boston, on board of which is a quantity of wine,

*Resolved*, That the committee of commerce be directed to give orders for procuring a division of the said wine ; and that the part thereof belonging to the continent be preserved for the use of the army of the United States.

FRIDAY, *September 24*, 1779.

Congress took into consideration resolutions reported from the committee of the whole, which were agreed to as follows :

Whereas, on the first day of June last, Congress, by a certain resolution, reciting " that whereas divers applications had been made to Congress on the part of the state of New-York, and of the state of New-Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of the New-Hampshire Grants," praying their interference for quieting thereof, did resolve " that a committee be appointed to repair to the New-Hampshire Grants, and enquire into the reasons why they refuse to continue citizens of the respective states which heretofore exercised jurisdiction over the said district ; for that, as Congress are in duty bound, on the one hand, to preserve inviolate the rights of the several states, so, on the other, they will always be careful to provide that the justice due to the states does not interfere with the justice which may be due to individuals : that the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States : " and did farther resolve, " that the farther consideration of this subject be postponed until the said committee shall have made report."

And whereas it so happened that a majority of the committee appointed in pursuance of the afore-mentioned resolution, did not meet in the said district, and therefore have never executed the business committed to them, or made a regular report thereupon to Congress :

*Ordered*, That the said committee be discharged.

And whereas the animosities aforesaid have lately proceeded so far, and risen so high as to endanger the internal peace of the United States, which renders it indispensably necessary for Congress to interpose for the restoration of quiet and good order.

And whereas one of the great objects of the union of the United States of America is the mutual protection and security of their respective rights ; and whereas it is of the last importance to the said union, that all causes of jealousy and discontent between the said states should be removed ; and therefore that their several boundaries and jurisdictions be ascertained and settled : and whereas disputes at present subsist between the states of New-Hampshire, Massachusetts-Bay, and New-York, on the one part, and the people of a district of country called the New-Hampshire Grants, on the other, which people deny the jurisdiction of each of the said states over the said district, and each of the said states claim the said district against each other as well as against the said people, as appertaining in the whole or in part to them respectively :

*Resolved, unanimously*, That it be, and hereby is, most earnestly recommended to the states of New-Hampshire, Massachusetts-Bay, and New-York, forthwith to pass laws expressly authorizing Congress to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of confederation, so that Congress may proceed thereon by the first day of February next at the farthest : and further, that the said states of New-Hampshire, Massachusetts-Bay, and New-York, do, by express laws for the purpose, refer to the decision of Congress all differences or disputes relative to jurisdiction, which they may respective-

ly have with the people of the district aforesaid, so that Congress may proceed thereon on the first day of February next, and also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another or with either of the said states, respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid: and further, to provide that no advantage be taken of the non-performance of the conditions of any of the grants of the said lands, but that further reasonable time be allowed for fulfilling such conditions.

*Resolved, unanimously,* That Congress will, and hereby do, pledge their faith to carry into execution and support their decisions and determinations in the premises, in favour of whichever of the parties the same may be, to the end, that permanent concord and harmony may be established between them, and all cause of uneasiness removed.

*Resolved, unanimously,* That Congress will, on the said first day of February next, proceed, without delay, to hear and examine into the disputes and differences relative to jurisdiction aforesaid, between the said three states respectively, or such of them as shall pass the laws before-mentioned on the one part, and the people of the district aforesaid who claim to be a separate jurisdiction on the other; and, after a full and fair hearing, will decide and determine the same according to equity; and that neither of the said states shall vote on any question relative to the decision thereof. And Congress do hereby pledge their faith to execute and support their decisions and determinations in the premises.

And whereas it is essential to the interest of the whole confederacy, that all intestine dissensions be carefully avoided, and domestic peace and good order maintained:

*Resolved, unanimously,* That it is the duty of the people of the district aforesaid, who deny the jurisdiction of all the afore-named states, to abstain in the mean time from exercising any power over any of the inhabitants of the said district who profess themselves to be citizens of, or to owe allegiance to, any or either of the said states: but that none of the towns, either on the east or west side of Connecticut river, be considered as included within the said district, but such as have heretofore actually joined in denying the jurisdiction of either of the said states, and have assumed a separate jurisdiction which they call the state of Vermont. And further, that in the opinion of Congress, the said three states afore-named ought, in the mean time, to suspend executing their laws over any of the inhabitants of the said district, except such of them as shall profess allegiance to, and confess the jurisdiction of, the same respectively. And further, that Congress will consider any violences committed against the tenor, true intent and meaning of this resolution as a breach of the peace of the confederacy, which they are determined to keep and maintain. And to the end, that all such violences and breaches of the public peace may be the better avoided in the said district, it is hereby recommended to all the inhabitants thereof, to cultivate harmony and concord among themselves, to forbear vexing each other at law or otherwise, and to give as little occasion as possible to the interposition of magistrates.

*Resolved, unanimously,* That in the opinion of Congress, no unappropriated lands or estates which are or may be adjudged forfeited or confiscated, lying in the said district, ought, until the final decision of Congress in the premises, to be granted or sold.

*Ordered,* That copies of the foregoing resolutions be sent by express to the states of New-York, New-Hampshire and Massachusetts-Bay, and to the people of the district aforesaid, and that they be respectively desired to lose no time in appointing their agent or agents and otherwise preparing for the hearings aforesaid.



The aforesaid resolutions being read over, and a question taken to agree to the whole,

*Resolved*, unanimously in the affirmative.

Congress resumed the consideration of the report of the committee, consisting of Mr. Paca, Mr. Atlee, Mr. Dickinson, to whom were referred a letter of the 23d of August from general Washington, and the papers therein enclosed; Whereupon,

*Resolved*, That the thanks of Congress be given to his excellency general Washington, for ordering, with so much wisdom, the late attack on the enemy's fort and works at Powles-Hook.

*Resolved*, That the thanks of Congress be given to major-general lord Stirling, for the judicious measures taken by him to forward the enterprize and to secure the retreat of the party.

*Resolved*, That the thanks of Congress be given to major Lee, for the remarkable prudence, address and bravery displayed by him on the occasion; and that they approve the humanity shewn in circumstances prompting to severity, as honourable to the arms of the United States, and correspondent to the noble principles on which they were assumed.

*Resolved*, That Congress entertain a high sense of the discipline, fortitude and spirit manifested by the officers and soldiers under the command of major Lee, in the march, action and retreat; and while with singular satisfaction they acknowledge the merit of these gallant men, they feel an additional pleasure by considering them as part of an army, in which very many brave officers and soldiers have proved, by their cheerful performance of every duty under every difficulty, that they ardently wish to give the truly glorious examples they now receive.

*Resolved*, That Congress justly esteem the military caution so happily combined with daring activity by lieutenants M-Callister and Rudolph, in leading on the forlorn hope.

*Resolved*, That a medal of gold, emblematical of this affair, be struck, under the direction of the board of treasury, and presented to major Lee.

*Resolved*, That the brevet and the pay and subsistence of captain, be given to lieutenant M-Callister and to lieutenant Rudolph respectively.

A motion having been made, that the sum of 100 dollars for every prisoner be put into the hands of major Lee, to be by him distributed among the non-commissioned officers and soldiers of his detachment, in such manner as the commander in chief shall direct:

On the question to agree thereto, the yeas and nays being required by Mr. Jay,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	ay	<i>Maryland</i> , Mr. Carmichael,	no	} no
<i>Mass'-s-Bay</i> , Mr. Holten,	ay	ay	Forbes,	no	
Patridge,	ay	ay	Jenifer,	no	
<i>Rhode-Island</i> , Mr. Collins,	no	no	<i>Virginia</i> , Mr. Smith,	no	} no
<i>Connecticut</i> , Mr. Huntington,	no	no	Griffin,	no	
Root,	no	no	Fleming,	no	
<i>New-York</i> , Mr. Jay,	no	div.	Mercer,	ay	
Lewis,	ay		Fitzhugh,	ay	} ay
<i>New-Jersey</i> , Mr. Houston,	no	*	<i>N.-Carolina</i> , Mr. Harnett,	ay	
<i>Pennsylvania</i> , Mr. Armstrong,	ay		Hewes,	no	
Shippen,	no	no	Sharpe,	ay	} ay
Muhlenberg,	no		<i>S.-Carolina</i> , Mr. Laurens,	ay	
<i>Delaware</i> , Mr. Dickinson,	ay	ay	Matthews,	ay	

So the states were equally divided, and the question lost.

On motion of Mr. Atlee, seconded by Mr. Laurens,

*Resolved*, That the sum of 15,000 dollars be put into the hands of major Lee, to be by him distributed among the non-commissioned officers and soldiers of the detachment he commanded at the attack and surprise of Powles-Hook, in such manner as the commander in chief shall direct.

A letter of major Aug. des Epiniers was read, praying, as circumstances



prevented his making use of the leave of absence which Congress were pleased to grant him in December last, that the same be now renewed: Whereupon,

*Resolved*, That major Aug. des Épiniers have leave of absence for six months, to commence from the time of his leaving America.

On motion of Mr. Mercer, seconded by Mr. Forbes,

*Resolved*, That the pay and subsistence of captains be allowed to lieutenants Gibbons and Knox, the officers who led on the forlorn hope in the late attack on Stoney-Point, and also to Mr. Archer, the bearer of the general's letter and volunteer aid, to commence from the date of their respective commissions of brevets, voted by Congress the 26th day of July last.

#### SATURDAY, September 25, 1779.

The committee, consisting of Mr. Houston, Mr. Matthews, Mr. Huntington, to whom was referred intelligence communicated by the honorable Mr. Gerard, minister plenipotentiary of France, brought in a report; Whereupon,

*Resolved*, That the president return Mr. Gerard the following answer:

SIR, Congress feel themselves obliged by your communication of the 7th instant, and are happy that Mr. Gerard will be able to contradict, from the fullest evidence, every insinuation which may be made prejudicial to the faith and honor of the United States.

#### MONDAY, September 27, 1779.

*Resolved*, That a member be added to the committee appointed to superintend the quarter-master and commissary-general's departments, and that another be elected in the room of Mr. Whipple, who is absent: the members chosen, Mr. Jenifer, and Mr. Mercer.

*Resolved*, That a member be elected for the board of war, in the room of Mr. Spencer, who is absent: the member chosen, Mr. Root.

A letter, of this day, from lieutenant-colonel Fleury, was read, desiring that he may be indulged with a furlough to revisit his native country; and accompanied with a letter of the 23d, in his favor, from general Washington, under a flying seal, directed to the president of Congress:

*Resolved*, That lieutenant-colonel Fleury have leave of absence for nine months to commence from the time of his departure from America.

*Ordered*, On the request of lieutenant-colonel Fleury, that the letter from general Washington in his favor be delivered to him.

#### TUESDAY, September 28, 1779.

Congress having appointed the honorable John Jay, esq. their minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance between the United States of America and his Catholic majesty, and he having signified his acceptance of that office, and, thereupon, resigned the chair,

*Resolved*, That Congress proceed to the choice of a president:

Congress accordingly proceeded to an election; and, the ballots being taken and counted, the honorable Samuel Huntington, esq. was elected.

The committee on the treasury having reported, that by a letter of this day's date from the board of war, they are informed that major-general Philips and sundry other officers of the convention troops, with their families, are on their way to New-York:

*Resolved*, That it is highly improper, under the present circumstances of our affairs, to permit any of the officers or persons aforesaid to go into New-York; and the board of war are hereby directed to detain them until the further order of Congress.

*Ordered*, That a copy of the above resolution be forwarded to the commander in chief.

*Ordered*, That Mr. Smith have leave of absence.

**Ordered,** That Mr. Fleming have leave of absence.

**Resolved,** That three members be elected to the marine committee, in the room of Mr. Whipple, Mr. Huntington, and Mr. Fleming : the members chosen, Mr. Langdon, for New-Hampshire ; Mr. Root, for Connecticut ; Mr. Mercer, for Virginia.

WEDNESDAY, September 29, 1779.

Mr. Sherman, one of the delegates for Connecticut, attended, and took his seat.

A letter, of this day, from Gideon Olmstead, was read :

**Resolved,** That a committee be appointed on the memorial of Gideon Olmstead, and to confer with a committee of the general assembly of the state of Pennsylvania, relative to carrying into execution the decree of the court of appeals concerning the sloop Active : the members chosen, Mr. Root, Mr. Paca, and Mr. Laurens.

**Ordered,** That a copy of the above resolution be transmitted to the speaker of the general assembly of the state of Pennsylvania ; and that he be requested to procure a committee of that house to be appointed to confer with the above committee.

The committee on the treasury brought in a report :

Whereas on the 23d day of August last, the delegates of the state of Virginia represented to Congress, that application was made to the said delegates by the board of trade in that state, to procure, on account of the state, a sum of continental money, to be paid into the hands of John Moss, esq. agent for the said state in the city of Philadelphia, for the purpose of purchasing supplies of clothing and other necessaries for the immediate use of the troops of that state in the continental army ; and that it was proposed by the said board of trade, to repay the money by answering the bills or orders of the treasury, for the amount of the sum borrowed payable in the said state, or otherwise as Congress may direct : and whereas a warrant was accordingly issued by Congress on the continental treasurer, in favor of the said John Moss, esq. for 400,000 dollars, the said state to be accountable :

**Ordered,** That a warrant issue on the board of trade of Virginia, in favor of Jeremiah Wadsworth, commissary-general of purchases, to be paid to the order of his assistants, Chaloner & White, for 400,000 dollars, to reimburse a like sum lent to the said state as aforesaid ; the said Jeremiah Wadsworth to be accountable.

**Resolved,** That the daily pay of Robert Patton, messenger, and William Hurrie, door-keeper of Congress, be increased to eight dollars, from the 1st of May last, and that in future they be allowed ten dollars per day, until the further order of Congress.

Congress proceeded to the election of a person to examine the accounts of the several commissioners, commercial agents and others in Europe, entrusted with the public money of these United States ; and, the ballots being taken, Mr. Joshua Johnson was elected, having been previously nominated by Mr. Jenifer.

The delegates for the state of Virginia, to whom was referred a letter of the 27th from the board of war with the letters enclosed, brought in a report ; Whereupon,

**Resolved,** That copies of the letters before-mentioned, be forthwith transmitted to the governor of Virginia, and that it be recommended to the executive authority of that state, to superintend the stationing and safe keeping of the convention troops, in case any invasion shall be made on that state, and that the said executive authority do, from time to time, as occasion may require, advise the board of war of their proceedings in that business.

**THURSDAY, September, 30, 1779.**

The committee on the departments of the quarter-master and commissary-general, consisting of Mr. Root, Mr. Jenifer, Mr. Mercer, to whom were referred the letters of the 24th of August from general Washington, and the 5th of September from J. Wadsworth, brought in a report; Whereupon,

**Resolved,** That Mr. J. Bradford, continental agent at Boston, be directed to sell and deliver out of the stores of these United States there, to the state of New-York, on or before the 1st day of January next, or to such person or persons as shall be authorized by them for the purpose, any quantity of sugar and rum not exceeding 500 hogsheads of the former, and 50 hogsheads of the latter, at the current wholesale price of those articles in cash: and that it be recommended to the legislature or the executive powers of the said state, to cause the said rum and sugar to be sold and distributed among the people in such manner, as that all may partake of the benefit intended them, and at no higher price than will raise the amount of the prime cost and charges:

That the marine committee be directed to give the necessary orders to enable the commissary-general to perform his engagements actually made with the people for sugar, &c.

On passing this resolution, the yeas and nays being required by Mr Peabody,

<i>N-Hampshire,</i>	Mr. Peabody,	no	}	no	<i>Maryland,</i>	Mr. Forbes,	no	}	div.
	Langdon,	no				Jenifer,	ay		
<i>Mass'atts-Bay,</i>	Mr. Lovell,	no	}	ay	<i>Virginia,</i>	Mr. Griffin,	ay	}	ay
	Holten,	ay				Mercer,	ay		
	Patridge,	ay	}	no	<i>N.-Carolina,</i>	Mr. Harnett,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Marchant,	no				Hewes,	ay		
<i>Connecticut,</i>	Mr. Sherman,	ay	}	ay		Sharpe,	ay	}	ay
	Huntington,	ay			<i>S.-Carolina,</i>	Mr. Laurens,	ay		
	Root,	ay	}	ya		Matthews,	ay		
<i>New-Jersey,</i>	Mr. Fell,	ay							
	Houston,	ay	}	ay					
<i>Pennsylvania,</i>	Mr. Armstrong,	ay							
	Atlee,	ay	}	ay					
	Wynkoop,	ay							

So it was resolved in the affirmative.

That the commissary-general be informed, that although the necessity of the case may justify his using the expedient in this instance, yet Congress cannot approve of his making any purchases in ordinary cases, otherways than for money:

**Resolved,** That a member be added to the committee on the treasury, in the room of Mr. Carmichael: the member chosen, Mr. Sherman.

**FRIDAY, October 1, 1779.**

A letter from the marine committee was read:

**Ordered,** That it be referred to the marine committee, and that they be directed to prepare and report a plan of regulations for conducting the naval affairs of the United States, and that the committee formerly appointed for that purpose be discharged.

The board of war, to whom was referred their report respecting lieutenant-colonel Fleury, brought in a report; Whereupon,

**Resolved,** That Congress entertain a high sense of the zeal, activity, military genius and gallantry of lieutenant-colonel Fleury, which he has exhibited on a variety of occasions during his service in the armies of these states, wherein, while he has rendered essential benefit to the American cause, he has deservedly acquired the esteem of the army and gained unfading reputation for himself.

On motion of Mr. Fell, seconded by Mr. Matthews,

**Resolved,** That the thanks of Congress be given to the hon. John Jay, esq.

late president, in testimony of their approbation of his conduct in the chair, and the execution of public business.

**SATURDAY, October 2, 1779.**

On motion of Mr. Gerry, seconded by Mr. Peabody, Congress came to the following resolution :

Whereas in the first resolution of Congress of the 24th of September last, relative to a district of country called "New-Hampshire Grants," is the following clause, viz.

"And also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid with one another, or with either of the said states, respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid :'' and whereas no provision is made in the said articles of confederation for hearing and determining disputes between any state and the grantees of any other state :

*Resolved unanimously*, That the clause above recited be repealed.

*Resolved unanimously*, That it be, and hereby is recommended to the states of New-Hampshire, Massachusetts-Bay and New-York, to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another, or with either of the said states, respecting title to lands lying in the said district, to be heard and determined by "commissioners or judges," to be appointed in the mode prescribed by the 9th article of the confederation aforesaid.

*Ordered*, That a copy of the preceding resolves be transmitted to the said states of New-Hampshire, Massachusetts-Bay and New-York, and also to the inhabitants of the New-Hampshire Grants.

On a representation from the executive of Virginia, to the executive of Maryland, which was communicated to Congress by the delegates of Maryland ;

And on motion of Mr. Paca, seconded by Mr. Forbes,

*Resolved*, That it be recommended to the governor and council of Maryland, to permit as much bread, flour and wheat to be exported for the state of Virginia, as the said state may want for its public supply.

**MONDAY, October 4, 1779.**

Mr. Vandyke, one of the delegates for Delaware, attended, and took his seat.

A letter, of the 30th of September, from general Washington, was read :

On motion of Mr. Forbes, seconded by Mr. Paca,

*Resolved*, That colonel Clarke be directed to halt the North-Carolina troops at Trenton, till farther orders.

A letter, of the 29th of September, from general Washington, was read, enclosing a letter of the 28th of the said month, from baron de Frey, captain in brigadier count Pulaski's legion, was read ; and also a memorial of captain Charles de Frey, requesting leave of absence for eight months, to revisit his native country ; Whereupon,

*Resolved*, That captain Charles de Frey have leave of absence for eight months.

*Resolved*, That a person be appointed secretary to the board of ordnance, and pay-master to the board of war and ordnance ; and that he be allowed the same pay as a commissioner of the chambers of accounts.

**WEDNESDAY, October 6, 1779.**

Mr. G. Morris, a delegate for New-York, attended, and took his seat in Congress.

According to order, Congress was resolved into a committee of the whole, on the subject of finance; and after some time, the president resumed the chair, and Mr. Jenifer reported, that the committee have come to sundry resolutions which he was ordered to report, and farther to desire leave to sit again:

The report being received was read.

A letter, of this day, from general Arnold, was read;

On motion of Mr. Morris, seconded by Mr. Gerry,

*Ordered*, That the president inform general Arnold that his application ought to be made to the executive authority of the state of Pennsylvania, in whose disposition to protect every honest citizen Congress have full confidence, and highly disapprove the insinuations of every individual to the contrary.

Congress resumed the consideration of the report of the committee of the whole; and thereupon,

*Resolved*, That, in addition to the sums required by the resolutions of Congress of the 22d November, 1777, and 2d January and 21st May, 1779, the several states be called on to raise, in such manner as they may judge expedient, sufficient sums to enable them to pay into the continental treasury or to the order of Congress, on the 1st day of February next, and on the 1st day of each succeeding month, until the 1st day of October next, inclusive, their respective proportions of 15,000,000 of dollars:

That all sums which may be so paid by any of the states during the continuance of the war, shall be passed to their respective credits, on the terms prescribed by the first article of a resolution of Congress of the 22d of November, 1777:

And that the several states be respectively charged with the annual interest of six per centum on all deficiencies in the payment of the several quotas which have been or may be required of them:

On passing this clause, the yeas and nays being required by Mr. Laurens,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Pennsylvania</i> , Mr. Armstrong,	no	} ay
Langdon,	ay		Atlee,	ay	
<i>Mass'sts-Bay</i> , Mr. Gerry,	ay	} ay	Wynkoop,	ay	} ay
Lovell,	ay		Mr. Vandyke,	ay	
Holten,	ay		Mr. Forbes,	ay	
Patridge,	no		Jenifer,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>Maryland</i> , Mr. Griffin,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	ay		Mercer,	ay	
Huntington,	ay	} ay	Fitzhugh,	ay	} ay
Root,	no		<i>N.-Carolina</i> , Mr. Harnett	no	
<i>New-York</i> , Mr. Morris,	ay	} ay	Sharpe,	no	} no
Lewis,	ay		<i>S.-Carolina</i> , Mr. Laurens,	no	
<i>New-Jersey</i> , Mr. Fell,	ay	} ay	Matthews,	no	} no
Houston,	ay				

So it was resolved in the affirmative.

*Resolved*, That the encouragement offered by the resolution of Congress of the 29th of June last, for promoting loans, be extended to all sums which may be paid into the continental loan-offices on or before the 1st day of March next, to the amount of the blank loan-office certificates which are already ordered to be struck by Congress:

That any person subscribing 10,000 dollars or upwards, shall be allowed to pay one half thereof within 14 days after the subscription, and the residue at the end of two months after the first payment, the whole to bear interest from the time of the first payment, if the other is punctually made.

*Resolved*, That a committee of one member from each state be appointed to consider and report the sums to be paid into the continental treasury by the respective states, to make up the 15,000,000 required in the foregoing resolutions: the members chosen, Mr. Houston, Mr. Vandyke, Mr. Gerry,

Mr. Laurens, Mr. Marchant, Mr. Harnett, Mr. Peabody, Mr. Sherman, Mr. Mercer, Mr. Atlee, Mr. Jenifer and Mr. Morris.

**THURSDAY, October 7, 1779.**

A letter, of the 5th, from R. Bache, post-master-general, was read :

*Ordered*, That it be referred to the committee on the post-office ; and that three members be elected for that committee, in the room of Mr. S. Adams, Mr. Ellery and Mr. R. H. Lee, who are absent: the members chosen, Mr. Griffin, Mr. Holten and Mr. Houston.

On motion of Mr. Gerry, seconded by Mr. Morris,

*Resolved*, That it be recommended to the several states to direct their treasurers to transmit to Congress, on the first day of every month, returns of the sums which they may have respectively received for supplying the continental treasury ; that the money mentioned therein be credited from the respective dates of the returns, and that the same be entered on the journals of Congress.

The committee appointed to apportion the quotas of the respective states, brought in a report ; Whereupon,

*Resolved*, That the quotas of the several states to make up the monthly assessment of 15,000,000 of dollars, to be paid the first day of February next, and the first day of each succeeding month, to the first day of October next, inclusive, be as follows :

New-Hampshire,	-	-	400,000	Delaware,	-	-	170,000
Massachusetts-Bay,	-	-	2,300,000	Maryland,	-	-	1,580,000
Rhode-Island, &c.	-	-	200,000	Virginia,	-	-	2,500,000
Connecticut,	-	-	1,700,000	North-Carolina,	-	-	1,000,000
New-York,	-	-	750,000	South-Carolina,	-	-	1,200,000
New-Jersey,	-	-	900,000				
Pennsylvania,	-	-	2,300,000				\$15,000,000

Georgia being invaded, is hereafter to raise its proportion.

On motion of Mr. Houston, seconded by Mr. Morris,

*Resolved*, That neither the present nor any former apportionment of quotas of taxes to the several states be considered as a precedent.

**FRIDAY, October 8, 1779.**

Congress proceeded to the election of a committee on the memorial of George Morgan, agreeable to the order of the 14th of September last ; and, the ballots being taken, the members chosen were, Mr. Witherspoon, Mr. Jenifer, Mr. Atlee, Mr. Sherman and Mr. Peabody.

*Ordered*, That the petition of William Trent, in behalf of Thomas Walpole and his associates, be referred to the foregoing committee.

On motion of Mr. Mercer, seconded by Mr. Griffin,

*Resolved*, That it be an instruction to the said committee to enquire into the foundation of the objection formerly made by the Virginia delegates upon the reading of the said petition and memorial, to the jurisdiction of Congress on the subject matter of the said papers, and first report the facts relating to that point.

**SATURDAY, October 9, 1779.**

A letter, of the 2d, from gen. Washington, was read, enclosing an extract of a letter from gen. Gates, of the 24th of September : Whereupon,

*Resolved*, That gen. Washington be informed, in answer to his letter, of the 2d inst. that the subsistence money granted by the act of the 18th of August, extends only to the officers and privates of the continental army ; and that the militia who are or may be called out are only to receive the subsistence granted previous to the act aforesaid.

*Resolved*, That the president of Delaware, and the governors of Maryland



and South-Carolina respectively be, and they are hereby, requested and authorized to draw on the several treasurers in those states, for such sums of money as shall be found necessary for paying the amount of purchases of flour and rice which shall be made under the direction of a committee of the delegates of the said states, in pursuance of a resolution of Congress of the 8th instant, such sums to be drawn from the money arising from taxes raised and to be raised and paid into the several treasuries of the said states, on the first day of January, 1780, transmitting to Congress, as early as possible, an account of the sums so drawn from the treasurers.

The committee, consisting of Mr. Hill, Mr. Witherspoon, and Mr. Atlee, to whom was referred a memorial of Timothy Taylor and John Thomson, report :

That they have examined the papers referred to them, and find sufficient vouchers to prove that there was taken by colonel Stewart, by order of gen. Washington, from the fulling-mill of Thomas Jenks, in Bucks county, Pennsylvania, cloth amounting in value to the sum of 7467 dollars ;” Whereupon,

*Resolved*, That a warrant issue on the treasurer in favor of Henry Wynkoop, esq. one of the delegates for Pennsylvania, for the above sum of 7467 dollars, to be put into the hands of Thomas Jenks, and by him paid to the owners of the said cloth.

The same committee, to whom was also referred the petition of John Hart, esq. report,

That they have examined the papers referred to them, and find sufficient vouchers to prove that a large quantity of cloth was, by order of gen. Washington, taken from the fulling-mill of John Hart, kept by Francis Gaspar; that a part of the said cloth was sold in gen. Mifflin’s office, amounting to the value of 134 69-90 dollars ; that the cloth, of the re-delivery of which there is no evidence, amounted in value to 1,067 dollars ; Whereupon,

*Resolved*, That gen. Mifflin be directed to pay the above sum of 134 69-90 dollars, to Dr. J. Witherspoon, one of the delegates for the state of New-Jersey ; and that a warrant issue on the treasurer to pay to the said Dr. J. Witherspoon, 1067 dollars, to be delivered to Jacob Bergen, esq. justice of the peace in the county of Somerset, New-Jersey, and by him paid to the several persons whose cloth is contained in the miller’s account ; taking an oath of each of them before payment, that they had not before received their several pieces.

The committee, consisting of Mr. Laurens, Mr. Gerry, Mr. Huntington, Mr. Witherspoon and Mr. Morris, appointed to prepare the draught of a circular letter to accompany the resolutions relative to finance, reported the same :

The draught being read, was agreed to as follows :

SIR : I have the honor to transmit to your excellency sundry resolutions of Congress of the 6th and 7th instant, for supplying the continental treasury, and to request the earliest communication of them to the legislative authority of your state.

The money which Congress are at liberty to emit will probably be expended in the beginning of December next, and subsequent supplies must be furnished by the states. This evinces the necessity of the punctual payments of their respective quotas, on which their public credit, the existence of their army, and the support of their liberties, so greatly depend.

Congress are deeply concerned to find that the sums required are so great ; but since the emissions are limited, they doubt not that the operation of taxes and other salutary measures in the course of the year will reduce the prices of articles, and enable them to lessen the quotas required, or apply part thereof to diminish the public debt. To promote so desirable an object, Congress, on their part, will endeavour to observe the strictest economy in the expenditures.

I have only to add that warrants will be issued on the treasurers of the respective states, for the quotas to be furnished on the first of January next, and that I remain with the greatest respect, &c.

**MONDAY, October 11, 1779.**

Mr. Plater, a delegate from Maryland, attended and took his seat in Congress.

A representation from the legislative council and general assembly of the state of New-Jersey, was read :

*Ordered*, That it be referred to a committee consisting of a member from each state : the members chosen, Mr. Mercer, Mr. Marchant, Mr. Sherman, Mr. Witherspoon, Mr. Morris, Mr. Vandyke, Mr. Matthews, Mr. Peabody, Mr. Holten, Mr. Forbes, Mr. Sharpe, and Mr. Wynkoop.

*Ordered*, That Mr. Armstrong have leave of absence.

**TUESDAY, October 12, 1779.**

The board of war, to whom was referred a representation of Nicholas and Mark Foquet, brought in a report ; Whereupon,

*Resolved*, That Messrs. Nicholas and Mark Foquet, having been employed in the service of the United States for two years, in superintending the business of manufacturing powder and salt-petre, and having conducted themselves with much reputation, and evidenced their utility to the United States, have thereby recommended themselves to the favorable opinion of Congress.

That bills of exchange for 900 livres be delivered to those gentlemen respectively, beside the sum mentioned in their contract with the board of war and ordnance.

**WEDNESDAY, October 13, 1779.**

A letter, of the 31st of May last, from A. Lee, was read ; Whereupon, On motion of Mr. Lovell, seconded by Mr. Morris,

*Resolved*, That Mr. A. Lee be informed of Mr. Jay's appointment, and that, agreeable to his request, he is at liberty to return to America.

On motion of Mr. Matthews, seconded by Mr. Peabody,

*Resolved*, That Mr. Jacob Hiltzheimer be authorized and directed to provide for the horses belonging to members of Congress ; that for this purpose the commissary-general of forage be directed to supply him with such articles of forage, and of such qualities as he shall direct ; together with the accounts of the cost thereof ; that each member be, from time to time, furnished with an account of the expense of keeping his horses, by the said Jacob Hiltzheimer, and that the same be paid to the pay-master of the board of war and ordnance, in the mode prescribed by a resolution of Congress of the 17th of August, 1778.

**THURSDAY, October 14, 1779.**

A letter, of the 9th, from general Washington, was read, enclosing a letter of the 28th of September, from major-general Sullivan, at Chemung, giving an account of his successful expedition against the hostile Indians ; Whereupon,

On motion of Mr. Gerry, seconded by Mr. Morris,

*Resolved*, That the thanks of Congress be given to his excellency general Washington, for directing, and to major-general Sullivan, and the brave officers and soldiers under his command, for effectually executing an important expedition against such of the Indian nations as, encouraged by the councils and conducted by the officers of his Britannic majesty, had perfidiously waged an unprovoked and cruel war against these United States, laid

waste many of their defenceless towns, and with' savage barbarity slaughtered the inhabitants thereof.

*Resolved*, That it will be proper to set apart the second Thursday in December next as a day of general thanksgiving in these United States, and that a committee of four be appointed to prepare a recommendation to the said states for this purpose : the members chosen, Mr. Root, Mr. Holten, Mr. Muhlenberg and Mr. Morris.

*Resolved*, That two members be elected for the committee on appeals, in the room of Mr. Drayton, deceased, and Mr. Paca, who is absent : the members chosen, Mr. Mercer and Mr. Griffin.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That 5,000,180 dollars, being part of the sum remaining to complete 200,000,000, be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of the following denominations, viz.

27,028 of 80 dollars,	2,162,240	27,028 of 3 dollars,	81,084
27,028 of 70 do.	1,891,960	27,028 of 2 do.	54,056
27,028 of 20 do.	540,560	27,028 of 1 do.	27,028
27,028 of 5 do.	135,140		
27,028 of 4 do.	108,112		5,000,180

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 17th of September last, and be numbered from the last number in each respective denomination progressively.

#### FRIDAY, October 15, 1779.

A letter, of this day, from Mr. Jay, was read, soliciting leave of absence for lieutenant-colonel Livingston to accompany him to Spain :

A motion was made by Mr. Matthews, seconded by Mr. Harnett,

That lieutenant-colonel H. B. Livingston have leave of absence for twelve months.

On which the yeas and nays being required by Mr. Marchant,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} div.	<i>Maryland</i> , Mr. Plater,	ay
Langdon,	no		Forbes,	no } ay
<i>Mass'-ts-Bay</i> , Mr. Gerry,	ay	} ay	Jenifer,	ay
Holten,	ay		<i>Virginia</i> , Mr. Griffin,	ay
Patridge,	ay		Mercer,	no } ay
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	Fitzhugh,	ay
<i>Connecticut</i> , Mr. Sherman,	no		<i>N.-Carolina</i> , Mr. Harnett,	ay
Huntington,	ay	} ay	Hewes,	ay } ay
Root,	ay		Sharpe,	ay
<i>New-Jersey</i> , Mr. Fell,	ay	} *	<i>S.-Carolina</i> , Mr. Matthews,	ay } ay
<i>Pennsylvania</i> , Mr. Atlee,	no			
Muhlenberg,	ay	} ay		
Wynkoop,	ay			

So it was resolved in the affirmative.

A report from the board of war was read ; Whereupon,

*Resolved*, That the resignation of captain Thomas Buchanan, of the first Pennsylvania regiment, be accepted.

#### SATURDAY, October 16, 1779.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That the reverend Mr. Kirkland be appointed chaplain to the garrison of Fort-Schuyler, and the other posts established in that quarter, with the pay and subsistence of a brigade-chaplain, continuing at the same time to pay as great attention to the Oneidas, and other Indians contiguous to them, as may be consistent with the above-mentioned appointment.

#### MONDAY, October 18, 1779.

The board of war, to whom their report respecting major la Neuville was re-committed, brought in another report ; Whereupon,

**Resolved**, That major de la Neuville, who has served two campaigns in the American army, and has obtained very honorable testimonials of his merit, valor and services in the several capacities in which he has been employed, be appointed a lieutenant-colonel by brevet in the army of the United States :

That lieutenant-colonel Noirmont de la Neuville have leave to return to France.

The board of war, to whom was referred a letter of the 25th of September last, from the governor of Virginia, brought in a report ; Whereupon,

**Resolved**, That the governor of Virginia be informed, that in the opinion of Congress the deficiency of flour for the convention troops, which cannot be obtained from wheat in Virginia, ought to be supplied with meal made of Indian corn, which is equally wholesome :

That his excellency the governor of Virginia be requested to inform the commanding officer of those troops, that if the commander in chief of the British forces will order supplies of flour to be sent to Virginia from parts in possession of the British army, passports will be ordered for the purpose when applied for.

**Resolved**, That the board of war be directed to give the necessary orders to the commissary-general of purchases and the commissary-general of issues, for supplying the convention troops with rations of Indian meal, in lieu of flour, agreeably to the foregoing resolutions.

On motion of Mr. Marchant, seconded by Mr. Paca,

**Resolved**, That the resolution of Congress passed the 2d of July last, so far as it directs or provides, " that each endorsement of the certificates issued by the commissioners of the continental loan-offices for exchanging bills of the emissions of May the 20th, 1777, and April the 11th, 1778, be witnessed by a magistrate," be, and the same is hereby repealed.

#### TUESDAY, October 19, 1779.

On motion of Mr. Fell, seconded by Mr. Sherman,

**Resolved**, That the board of war be directed to make enquiry into the number and quality of rations drawn and delivered in the city of Philadelphia, within three months past, from the quarter-master, commissaries of purchases and issues, and barrack-master, the names of the persons to whom such rations have been delivered, their office, rank or occupations, and the particular departments they belong to, and make report to Congress.

#### WEDNESDAY, October 20, 1779.

The marine committee laid before Congress a letter of the 18th, from Jacob Rush, which was read, notifying " that an appeal, in which the United States are a party, from the court of admiralty in the state of Massachusetts-Bay, relative to the ship Viper, is now depending before the commissioners of appeal ; that the marine committee may, if they think proper, retain counsel on the part of the continent :"

**Ordered**, That it be referred to the marine committee to take order thereon.

The committee appointed to prepare a recommendation to the several states, for setting apart the 2d Thursday in December next, as a day of general thanksgiving, brought in a draught, which was agreed to as follows :

Whereas it becomes us humbly to approach the throne of Almighty God, with gratitude and praise for the wonders which his goodness has wrought in conducting our fore-fathers to this western world ; for his protection to them and to their posterity amidst difficulties and dangers ; for raising us, their children, from deep distress to be numbered among the nations of the earth ; and for arming the hands of just and mighty princes in our deliverance ; and especially for that he hath been pleased to grant us the enjoyment of health,

and so to order the revolving seasons, that the earth hath produced her increase in abundance, blessing the labors of the husbandmen, and spreading plenty through the land ; that he hath prospered our arms and those of our ally ; been a shield to our troops in the hour of danger, pointed their swords to victory and led them in triumph over the bulwarks of the foe ; that he hath gone with those who went out into the wilderness against the savage tribes ; that he hath stayed the hand of the spoiler, and turned back his meditated destruction ; that he hath prospered our commerce, and given success to those who fought the enemy on the face of the deep ; and above all, that he hath diffused the glorious light of the gospel, whereby, through the merits of our gracious Redeemer, we may become the heirs of his eternal glory : therefore,

*Resolved*, That it be recommended to the several states, to appoint Thursday, the 9th of December next, to be a day of public and solemn thanksgiving to Almighty God for his mercies and of prayer for the continuance of his favor and protection to these United States ; to beseech him that he would be graciously pleased to influence our public councils, and bless them with wisdom from on high, with unanimity, firmness, and success ; that he would go forth with our hosts and crown our armies with victory ; that he would grant to his church the plentiful effusions of divine grace, and pour out his holy spirit on all ministers of the gospel ; that he would bless and prosper the means of education, and spread the light of christian knowledge through the remotest corners of the earth ; that he would smile upon the labours of his people and cause the earth to bring forth her fruits in abundance ; that we may with gratitude and gladness enjoy them ; that he would take into his holy protection our illustrious ally, give him victory over his enemies, and render him signally great, as the father of his people and the protector of the rights of mankind ; that he would be graciously pleased to turn the hearts of our enemies, and to dispense the blessings of peace to contending nations ; that he would in mercy look down upon us, pardon our sins and receive us into his favor, and finally, that he would establish the independence of these United States upon the basis of religion and virtue, and support and protect them in the enjoyment of peace, liberty and safety.

Done in Congress, the 20th day of October, one thousand seven hundred and seventy-nine, and in the 4th year of the independence of the United States of America.

Attest, SAMUEL HUNTINGTON, *President*.  
CHARLES THOMSON, *Secretary*.

THURSDAY, October 21, 1779.

Mr. Scudder, a delegate from New-Jersey, attended and took his seat in Congress.

The committee on the treasury brought in a report ; Whereupon,

*Resolved*, That Thomas Smith, esq. commissioner of the continental loan-office for the state of Pennsylvania, be directed to renew for Philip Marsteller, six defaced certificates, of the following denominations, viz. one of 200 dollars, dated April 9, 1779, to Adam Heilman ; one of 200 dollars, dated April 9, 1779, to Henry Humberger ; one of 1000 dollars, dated April 9, 1779, to Casper Stoeve ; one of 600 dollars, dated April 9, 1779, to Jacob Neff ; one of 600 dollars, dated April 9, 1779, to Peter Wirtmer ; and one of 300 dollars, dated April 9, 1779, to William Young.

*Resolved*, That two members be added to the committee on the representation from the legislative council and general assembly of the state of New-Jersey, in the room of Mr. Witherspoon and Mr. Vandyke, who are absent : the members chosen, Mr. Scudder and Mr. Dickinson.



FRIDAY, October 22, 1779.

A letter, of the 20th, from Charles Petit, was read, reciting his former applications to Congress, on account of a tax to which, by an act of the legislature of New-Jersey, he is subjected, as assistant quarter-master general, and the proceedings of Congress thereon; and informing that he is called on for £ 1000 tax, as assistant quarter-master general, and requesting the attention of Congress to his letter, of the 7th of July, and to the report of the committee thereon:

A motion was made by Mr. Marchant, seconded by Mr. Paca,

That the letter be referred to a committee:

On which the yeas and nays being required by Mr. Fell,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} div.	<i>Delaware,</i>	Mr. Dickinson,	no	} no
	Langdon,	ay		<i>Maryland,</i>	Mr. Plater,	no	
<i>Mass'-ts-Bay,</i>	Mr. Lovell,	no	} no		Paca,	ay	} no
	Holten,	no			Forbes,	no	
	Patridge,	no	} ay	<i>Virginia,</i>	Mr. Griffin,	ay	} ay
<i>Rhode-Island,</i>	Mr. Marchant,	ay			Mercer,	no	
<i>Connecticut,</i>	Mr. Sherman,	no	} no	<i>N.-Carolina,</i>	Mr. Harnett,	no	} no
	Huntington,	ay			Hewes,	no	
	Root,	no	} *		Sharpe,	ay	} ay
<i>New-York,</i>	Mr. Lewis,	ay		<i>S.-Carolina,</i>	Mr. Laurens,	ay	
<i>New-Jersey,</i>	Mr. Scudder,	no	} no		Matthews,	ay	} ay
	Fell,	no					
<i>Pennsylvania,</i>	Mr. Atlee,	no	} no				
	Searle,	no					
	Mühlenberg,	no					

So it passed in the negative.

The board of war having represented that Mons. Noirmont de la Neuville has expressed his uneasiness lest his not being gratified with the rank and command of a lieutenant-colonel should create disagreeable comparisons between the supposed ideas entertained by Congress of his merit and that of those enjoying such command:

*Resolved,* That Congress entertain a very favorable opinion of the personal merit and military character of Mons. Noirmont, which he has evidenced on every occasion presenting itself to him during his service in America; but a reformation of the army having lately taken place, which renders it inconsistent with the arrangement as now settled to grant commands in the line to gentlemen under Mr. Noirmont's circumstances, has prevented his having a commission of the same nature with some others, though his merit and services would otherwise entitle him thereto.

SATURDAY, October 23, 1779.

*Ordered,* That Mr. Jenifer and Mr. Paca have leave of absence.

*Ordered,* That two members be added to the committee on the post-office, in the room of Mr. Laurens and Mr. Paca, who have leave of absence: the members chosen, Mr. Dickinson and Mr. Sherman.

The marine committee, to whom was referred the letter of the 21st, from the supreme executive council of Pennsylvania, report, that they have written a letter to capt. Harding, of the Confederacy, reciting "that they have received information " that he has lately impressed on board the said frigate several seamen, citizens of this state, who have left families in this city in a distressed situation, and ordering him, if this be true, to discharge them immediately."

Congress took into consideration the report of the committee on the letter of the 31st of August last, from the board of war, to whom was referred so much of the resolutions respecting the establishment of a board of treasury as relates to the annual election of the officers, and who were also to consider proper salaries for the said officers; Whereupon,



**Resolved**, That the commissioners, secretary and clerks of the board of treasury, and all officers in the departments of the auditor-general, treasurer, and chambers of accounts, who may be appointed before the conclusion of the present war, shall hold their respective offices during the pleasure of Congress; any thing contained in an ordinance for establishing a board of treasury, and the proper offices for managing the finances of these United States, to the contrary notwithstanding:

On passing the foregoing resolution, the yeas and nays being required by Mr. Mercer,

<i>N.-Hampshire</i> , Mr. Peabody,	no	} no	<i>Pennsylvania</i> , Mr. Atlee,	ay	} ay
	Langdon,			Searle,	
<i>Mass'sts-Bay</i> , Mr. Gerry,	ay	} no		Muhlenberg,	} no
	Lovell		<i>Delaware</i> , Mr. Dickinson,	no	
	Holten,		<i>Maryland</i> , Mr. Plater,	ay	} ay
	Patridge,			Forbes,	
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	<i>Virginia</i> , Mr. Griffin,	ay	} ay
<i>Conncticut</i> , Mr. Huntington,	no			Mercer,	
	Sherman,	} no		Fitzhugh,	} ay
<i>New-Jersey</i> , Mr. Scudder,	ay		<i>N.-Carolina</i> , Mr. Harnett,	ay	
	Fell,	} ay		Hewes,	} ay
				Sharpe,	
			<i>S.-Carolina</i> , Mr. Matthews,	ay	ay

So it passed in the affirmative.

**Resolved**, That until the further order of Congress, the commissioners of the board of treasury, not members of Congress, be respectively allowed a salary of 14,000 dollars per annum:

That the auditor-general be allowed a salary of 12,000 dollars per annum:

That the commissioners of the chambers of accounts be allowed 12,000 dollars per annum:

That the secretary of the board of treasury, and the assistant auditor-general, be respectively allowed 10,000 dollars per annum:

That the treasurer be allowed 15,000 dollars per annum:

That the clerks of the board of treasury, and of the departments of the auditor-general, treasurer and chambers of accounts, be allowed 7,000 dollars per annum respectively:

That the salaries aforesaid shall be annually or oftener, if Congress shall judge it expedient, revised and altered agreeable to the appreciation of the continental currency.

MONDAY, October 25, 1779.

Whereas it is represented to Congress, on behalf of Susannah Hotchkiss, widow of John Hotchkiss, late of New-Haven, deceased, that the said John Hotchkiss, on the 31st of May last, deposited in the continental loan-office in the state of Connecticut, 270 dollars, of the emissions of May 20th, 1777, and April 11th, 1778, for exchange; that on the 5th of July last, at New-Haven aforesaid, the said John Hotchkiss was slain in battle, in repelling the common enemies of the United States, and that his pocket-book, in which was the certificate which he received for said bills, cannot be found; that the commissioner of the said loan-office does not think himself warranted to pay the sum due on said certificate, without the special order of Congress:

On motion of Mr. Sherman, seconded by Mr. Marchant,

**Ordered**, That the said application be referred to the board of treasury.

WEDNESDAY, October 27, 1779.

Congress proceeded to the election of a secretary to the board of ordnance, and pay-master to the board of war and ordnance; and, the ballots being taken, Joseph Carleton was elected.

The board of war having represented to Congress that Mr. J. Carleton has, by their appointment, discharged the business of the office, to which he is now elected, from the time of Mr. Nourse's resignation, at which date he was by them recommended to Congress:

*Resolved*, That Mr. J. Carleton be considered as secretary to the board of ordnance, and pay-master to the board of war and ordnance, and entitled to the pay and emoluments of that office from the time of Mr. J. Nourse's resignation.

The committee, consisting of Mr. Atlee, Mr. Houston and Mr. Marchant, to whom was referred a letter of the 21st, from general Washington, enclosing an extract of a letter from colonel D. Broadhead, brought in a report; Whereupon,

*Resolved*, That the thanks of Congress be given to his excellency general Washington, for directing, and to colonel Broadhead and the brave officers and soldiers under his command, for executing the important expedition against the Mingo and Munsey Indians, and that part of the Senecas on the Alleghany river, by which the depredations of those savages, assisted by their merciless instigators, subjects of the king of Great-Britain, upon the defenceless inhabitants of the western frontiers, have been restrained and prevented.

The board of war, to whom was re-committed their report respecting baron de Frey, brought in a report; Whereupon,

*Resolved*, That the resolution of the 4th inst. giving a furlough to baron de Frey, be re-considered and repealed.

*Resolved*, That the baron de Frey, being desirous of returning to France, be excused from any further service:

That in consideration of his merit and good services, he be allowed the sum of 1500 dollars, to enable him to return to France.

On motion of Mr. Scudder, seconded by Mr. Houston,

*Resolved*, That the director-general, each of the deputy directors-general, each physician and surgeon-general, each senior physician and surgeon, each junior surgeon, each apothecary-general, each chaplain and each apothecary's assistant, in the hospital of the United States, shall be entitled to draw clothing annually from the stores of the clothier-general, in the same manner, and under the same regulations as are established for officers of the line, by a resolution of the 26th day of November, 1777.

*Resolved*, That until the further order of Congress, the said officers of the military-hospital shall also be entitled to subsistence, in like manner as is granted to officers of the line, to be estimated in the following ratio:

1st. The director-general to receive the same subsistence as a colonel in the line:

2d. The deputy directors-general, the physicians, surgeons and apothecaries-general, the same as lieutenant-colonels:

3d. The senior physicians and surgeons the same as majors:

The junior surgeons and apothecaries' assistants the same as captains: and the chaplains, the same as chaplains of brigades are entitled to by a resolution of the 18th day of August last, and to commence from the said 18th day of August.

*Resolved*, That the mates of the military hospital shall, during service, be entitled to the same subsistence as is given to regimental surgeon's-mates, by the resolution of the 18th day of August last.

THURSDAY, October 28, 1779.

A letter, of the 27th, from the board of war, was read; Whereupon,

*Resolved*, That the board of war be authorized to purchase a quantity of leather, not exceeding 100,000 lbs. weight, in the state of South-Carolina:

That the board of war be authorized to draw upon the governor of the state of South-Carolina for such sum or sums as will be necessary to pay for the said leather, and that the governor of the said state of South-Carolina be requested to advance out of the taxes raised on the continental account, such sums as shall be drawn for by the board of war for that purpose.

On motion of Mr. Scudder, seconded by Mr. Laurens,

*Resolved*, That the resolutions of yesterday, respecting the officers of the hospital department of the United States, be re-considered; and together with the report of the medical committee on the hospital department, be re-committed.

Congress took into consideration the report of the marine committee respecting the navy department; Whereupon,

*Resolved*, That a board of admiralty be established, to superintend the naval and marine affairs of these United States; to consist of three commissioners not members of Congress, and two members of Congress, any three of whom to form a board for the despatch of business; to be subject in all cases to the control of Congress:

That there shall not be more than one member of the said board at any time belonging to the same state:

That there shall be a secretary to the said board, to be appointed by Congress:

That the board have power to appoint a clerk to assist them in the execution of the business of the department:

That the said board of admiralty be, and they are hereby authorized, empowered and directed, to form proper plans for increasing the naval force of the United States, and for the better regulating the same, and lay them before Congress:

That they have the ordering and directing the destination of all ships and vessels of war; that they superintend and direct such navy boards as are now established or may at any time hereafter be established by Congress; cause fair entries to be made and proper accounts kept of all business transacted by them; examine the accounts of the several navy boards, and all agents and other persons who have transacted or may transact any business relative to the marine department, where such accounts have not been finally settled; report the same to Congress, and make proper entries in their books, so that the whole matters may be comprehended in one view; keep an alphabetical and accurate register of the names of all officers of the navy in the service of the United States, with their rank and the date of their commissions, which commissions shall be signed by the president of Congress and countersigned by the secretary to the said board of admiralty; publish annually a register of all appointments; obtain regular and exact returns of all warlike-stores, clothing, provisions and all other necessary articles belonging to the marine department; take the care and direction of all marine prisoners; execute all such matters as shall be directed, and give their opinion on all such subjects as shall be referred to them by Congress, or as they may think necessary for the better regulation and improvement of the navy of the United States; and in general to superintend and direct all the branches of the marine department:

That the said board shall sit in the place where Congress shall be held, and no member of the board shall absent himself without leave of Congress, or the committee of the states in the recess of Congress:

That all the proceedings of the said board shall be inspected by Congress, or a committee by them appointed for that purpose, as often as may be thought proper and convenient; and every member of Congress may have free access to the records and papers of the said board, excepting such as are in their nature secret:

That all navy and marine officers and other attending upon or connected with the admiralty department, be, and they are hereby required and enjoined to observe the directions of the said board in all such other matters as they may be directed, or may tend to facilitate the business of the department.

*Resolved*, That the salary of each of the three commissioners who shall conduct the business of the board of admiralty, be 14,000 dollars per annum, and the salary of the secretary of the said board be 10,000 dollars per annum; said salaries to be annually, or oftener if Congress shall judge it expedient, revised and altered agreeably to the appreciation of the continental currency.

FRIDAY, October 29, 1779.

A memorial from major Widdersheime was read:

*Ordered*, That it be referred to the marine committee, and that they provide major Widdersheime with a passage to Europe by the first opportunity.

Congress took into consideration the report of the committee on the memorial of George Morgan, and the petition of William Trent:

After debate, a motion was made by Mr. Mercer, seconded by Mr. Morris, that the report be re-committed.

On which the yeas and nays were required by Mr. Griffin, the report being as follows:

The committee to whom were referred the memorial of G. Morgan and the petition of William Trent, beg leave to report, that they have read over and considered the state of facts given in by the delegates of Virginia, and cannot find any such distinction between the question of the jurisdiction of Congress, and the merits of the cause, as to recommend any decision upon the first separately from the last; that they recommend to Congress the following resolution, that, considering the present incomplete state of the confederation, it be recommended to the state of Virginia, and every other state in similar circumstances, to suspend the sale, grant, or settlement of any land unappropriated at the time of the declaration of independence, until the conclusion of the war.

<i>N.-Hampshire</i> , Mr. Peabody,	no	}	no	<i>Delaware</i> ,	Mr. Dickinson,	no	}	no
Langdon	no			<i>Maryland</i> ,	Mr. Plater,	no		
<i>Mass'-ts-Bay</i> , Mr. Gerry,	ay	}	ay		Paca,	no	}	no
Holten	ay				Forbes,	no		
<i>Rhode-Island</i> , Mr. Marchant,	no	}	no	<i>Virginia</i> ,	Jenifer,	no	}	ay
<i>Connecticut</i> , Mr. Sherman,	no					Mr. Griffin,		
Huntington,	no		Mercer,		ay			
Root,	no		Fitzhugh,		ay			
<i>New-York</i> , Mr. Morris,	ay	}	*	<i>N.-Carolina</i> ,	Mr. Harnett,	ay	}	ay
<i>New-Jersey</i> , Mr. Witherspoon	no				Hewes,	ay		
Scudder,	no	}	no		Sharpe,	ay	}	ay
Houston,	no			<i>S.-Carolina</i> ,	Mr. Matthews,	no		
<i>Pennsylvania</i> , Mr. Wynkoop,	no	}	no				}	no

So it passed in the negative.

SATURDAY, October 30, 1779.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That the managers be directed to make sale of the tickets of the third class of the lottery of the United States without delay, that the drawing thereof commence the first of March next, and be completed as soon as may be, and that the tickets then unsold be the property and at the risque of the said states.

*Resolved*, That loan-office certificates of the following denominations, bearing an interest of six per centum per annum, be struck, under the direction of the board of treasury, to be issued to such fortunate adventurers in

the second class as may be entitled to and apply for the same; and that the said certificates be dated at the time of finishing the drawing of the said class, and made payable at the end of five years from their date, viz. 18 certificates of 5000 dollars each, 90,000 dollars; 100 certificates of 1000 dollars each, 100,000 dollars; 820 certificates of 500 dollars each, 410,000 dollars; amounting to 600,000 dollars.

A motion was made by Mr. Paca, seconded by Mr. Plater, in the following words:

"Whereas it appears to Congress that the opening the land-office in the state of Virginia, for the purpose of locating lands unappropriated at the time independence was declared, has produced much uneasiness, dispute and controversy, and greatly weakened these United States by the emigrations of their inhabitants to parts remote from defence against the common enemy; *Resolved*, therefore, that it be earnestly recommended to the state of Virginia to re-consider their late act of assembly for opening their land-office; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war:"

The resolution was taken into consideration, and a division being called for, on the question to agree to the first clause, as far as "land-office," inclusive, the yeas and nays being required by Mr. Griffin,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Pennsylvania</i> , Mr. Searle,	ay	} ay
	Langdon,			Muhlenberg,	
<i>Mass'etts-Bay</i> , Mr. Gerry,	ay	} ay	<i>Maryland</i> , Mr. Plater,	ay	} ay
	Lovell,			Paca,	
	Holten,			Forbes,	
	Patridge,			Jenifer,	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>Virginia</i> , Mr. Griffin,	no	} no
<i>Connecticut</i> , Mr. Sherman,	ay			Mercer,	
	Huntington,	} ay		Fitzhugh,	
	Root,		<i>N.-Carolina</i> , Mr. Harnett,	no	} no
<i>New-York</i> , Mr. Morris,	no	} div.		Sharpe,	
	Lewis,		<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
	Scudder,				
	Fell,				
	Houston,				

So it was resolved in the affirmative.

A motion was then made by Mr. Morris, seconded by Mr. Sharpe, to strike out the words "and all other states similarly circumstanced."

And on the question, shall those words stand? the yeas and nays being required by Mr. Morris,

<i>New-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Pennsylvania</i> , Mr. Searle,	ay	} ay
	Langdon,			Muhlenberg,	
<i>Mass'etts-Bay</i> , Mr. Gerry,	ay	} ay	<i>Maryland</i> , Mr. Plater,	ay	} ay
	Lovell,			Paca,	
	Holten,			Forbes,	
	Patridge,			Jenifer,	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>Virginia</i> , Mr. Griffin,	ay	} ay
<i>Connecticut</i> , Mr. Sherman,	ay			Mercer,	
	Huntington,	} ay		Fitzhugh,	
	Root,		<i>N.-Carolina</i> , Mr. Harnett,	no	} no
<i>New-York</i> , Mr. Morris,	no	} div.		Sharpe,	
	Lewis,		<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
	Scudder,				
	Fell,				
	Houston,				

So it was resolved in the affirmative.

On the question to agree to the latter clause as it stands: resolved in the affirmative.



On motion of Mr. Morris, seconded by Mr. Sherman,  
*Resolved*, That the consideration of the preamble be postponed.

On motion of Mr. Morris, seconded by Mr. Sherman,  
*Resolved*, That the following preamble be adopted :

“ Whereas the appropriation of vacant lands by the several states, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs ; therefore.”

On the question to agree to the preamble, the yeas and nays being required by Mr. Griffin,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Pennsylvania</i> , Mr. Searle,	ay	} ay
	Langdon,			Muhlenberg,	
<i>Mass'-ts-Bay</i> , Mr. Gerry,	ay	} ay	<i>Maryland</i> , Mr. Plater,	ay	} ay
	Lovell,			Paca,	
	Holten,			Forbes,	
	Patridge,			Jenifer,	
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	<i>Virginia</i> , Mr. Griffin,	no	} no
<i>Connecticut</i> , Mr. Huntington,	ay			Mercer,	
	Sherman,	} ay		Fitzhugh,	
	Root,		<i>N.-Carolina</i> , Mr. Harnett,	no	} no
<i>New-York</i> , Mr. Morris,	no	} div.		Sharpe,	
	Lewis,		<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
	Scudder,				
	Fell,				
	Houston,				

So it was resolved as follows :

Whereas the appropriation of vacant lands by the several states during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs ; therefore,

*Resolved*, That it be earnestly recommended to the state of Virginia, to re-consider their late act of assembly for opening their land-office ; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

MONDAY, November 1, 1779.

A letter from the board of war was read ; Whereupon, Congress came to the following resolution :

Lieutenant-colonel J. Connolly having made frequent applications to be liberated and exchanged ; therefore, in consideration of his long captivity and confinement,

*Resolved*, That the commissary-general of prisoners be authorized to exchange lieutenant-colonel J. Connolly for any lieutenant-colonel of the army of the United States, who is now prisoner to the enemy.

THURSDAY, November 4, 1779.

A letter, of the 29th of October, 1779, from governor Livingston, was read, enclosing an account of expenses in carrying into execution the resolution of the 9th of July last :

*Resolved*, That a letter be addressed by the president to his excellency governor Livingston, expressing the satisfaction of Congress at his conduct in carrying into effect their resolution of the 9th of July last.

A letter, of the 1st, from John Clark, one of the auditors of accounts in the main army, was read, requesting leave, on account of his weak state of health, to resign :

*Resolved*, That his resignation be accepted, and that the letter be referred to the board of treasury.

A letter, of the 26th of October, from Thadeus Benedict, was read, respecting the conduct of Dr. Forster ;



*Ordered*, That it be referred to the commander in chief, and that he be directed to cause such proceedings to be had thereon, as that the charges alluded to in it be speedily enquired into and justice done.

*Ordered*, That the medical committee transmit to the commander in chief the memorial of Thadeus Benedict and others, against Dr. Forster, and such other papers as they may have respecting that matter.

A petition of John Emes, was read; Whereupon,

Congress took into consideration the proceedings of a court-martial for the trial of John Emes, which were laid before them by the marine committee; and, thereupon,

*Resolved*, That that part of the sentence of the court-martial which orders the said John Emes to be banished, be set aside, and that in consideration of his long confinement, the whole of the stripes ordered to be inflicted upon him be remitted; and that the said John be discharged from his present imprisonment.

#### FRIDAY, November 5, 1779.

*Resolved*, That a member be added to the present committee on the treasury, in the room of Mr. Hewes, whose health will not admit his attendance: the member chosen, Mr. Sharpe.

*Resolved*, That two members be added to the committee appointed to superintend the departments of the quarter-master and commissary-general: the members chosen, Mr. Wynkoop and Mr. Forbes.

#### SATURDAY, November 6, 1779.

The board of war, to whom was referred a letter of general Washington, with an application in favour of captain-lieutenant Vandyke, brought in a report; Whereupon,

*Resolved*, That captain-lieutenant Vandyke, of the artillery, have leave of absence for eight months; that agreeably to his intentions he may take a voyage to sea, this being judged necessary for the recovery of his health, as appears by certificates produced to Congress.

#### MONDAY, November 8, 1779.

A letter, of the 26th, from colonel Broadhead, at Pittsburgh, was read, informing that some of the inhabitants from Yoghiagania and Ohio counties had crossed the Ohio and made small improvements on the Indians' land from the river Muskingum to Fort-M'Intosh, and 30 miles up the branches of the Ohio river; and that he had ordered the trespassers to be apprehended and the huts to be destroyed:

*Ordered*, That a letter be written to the governor of Virginia, enclosing a copy of colonel Broadhead's letter, and requesting his excellency to endeavour to prevent a repetition of the trespasses mentioned in it.

On motion of Mr. Matthews, seconded by Mr. Morris,

*Resolved*, That the late and former presidents of Congress, be desired to lodge, as soon as they conveniently can, in the secretary's office, copies of all public letters by them respectively written during their presidencies.

#### TUESDAY, November 9, 1779.

Congress proceeded to the election of officers for the board of treasury, agreeable to the ordinance for establishing that board; and, the ballots being taken, the following gentlemen were chosen: Mr. Ezekiel Foreman, Mr. Jonathan Trumbull, jun. commissioners of the board of treasury; Mr. Michael Hillegas, treasurer; Mr. James Milligan, auditor-general; Mr. Joseph Nourse, assistant auditor-general; Mr. Robert Troup, secretary of the board of treasury; Mr. William Govett, Mr. Resolve Smith, Mr. William

Geddes, Mr. John D. Mercier, Mr. Eleazer M'Comb, Mr. Nathaniel Mumford, commissioners of the chambers of accounts; Mr. John Nicholson, Mr. William Ramsay, clerks of the chambers of accounts; Mr. James Johnson, Mr. Joseph Howell, Mr. Bedlow, Mr. Felix Varley, Mr. Alexander Fowler, auditors of the army.

Congress proceeded to the election of two members for the board of treasury; and, the ballots being taken, Mr. Houston and Mr. Sharpe were chosen.

### WEDNESDAY, November 10, 1779.

Congress being informed that Mr. J. Hewes, one of the delegates for the state of North-Carolina, died this morning, and that it is proposed to inter him to-morrow evening:

*Resolved*, That Congress will, in a body, attend the funeral to-morrow evening, at three o'clock, with a crape round the left arm, and will continue in mourning for the space of one month:

*Resolved*, That Mr. Harnett, Mr. Sharpe, and Mr. Griffin, be a committee to superintend the funeral, and that the Rev. Mr. White, the attending chaplain, be notified to officiate on the occasion.

*Ordered*, That the said committee be directed to invite the general assembly and the president and supreme executive council of Pennsylvania, the minister plenipotentiary of France, and other persons of distinction, now in town, to attend the funeral.

A motion was made by Mr. Matthews, seconded by Mr. Harnett, that three of the frigates now at Boston be ordered by the marine committee to proceed immediately for Charleston, South-Carolina, there to be under the direction of the commanding officer for the time being, in the southern department, until further orders:

On the question to agree to this motion, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	ay	<i>Pennsylvania</i> , Mr. Atlee,	ay	
<i>Mass'-Bays</i> , Mr. Gerry,	no		Muhlenberg,	ay	ay
	ay	div.	Wynkoop,	ay	
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	<i>Delaware</i> , Mr. M'Kean,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	ay	ay	<i>Maryland</i> , Mr. Plater,	ay	div.
	ay		Forbes,	no	
<i>New-York</i> , Mr. Lewis,	ay	*	<i>Virginia</i> , Mr. Griffin,	ay	*
<i>New-Jersey</i> , Mr. Scudder,	ay		<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
	ay	ay	Sharpe,	ay	ay
			<i>S.-Carolina</i> , Mr. Matthews,	ay	ay

So it was resolved in the affirmative.

*Resolved*, That a member be added to the committee appointed to correspond with the commanding officer in the southern department, in the room of Mr. Laurens, who is absent: the member chosen, Mr. Matthews.

A copy of the proceedings of a convention of committees from the five eastern states, met at Hartford for the regulation of prices, and

A letter, of the 15th of October, from the general assembly of New-York, were read:

*Ordered*, That they be referred to the committee on the representation from the legislature of the state of New-Jersey.

*Resolved*, That Mr. Griffin, member for the state of Virginia, be added to the committee on the representation from the legislature of the state of New-Jersey, in the room of Mr. Mercer.

*Resolved*, That the committee on the treasury continue in the exercise of the duties formerly enjoined them, until a board, on the new establishment, be formed and ready to proceed to business.

### THURSDAY, November 11, 1779.

The committee, consisting of Mr. Laurens, Mr. Marchant, Mr. Holten,

Mr. Harnett, and Mr. Fitzhugh, appointed to correspond with the commanding officer in the southern department, and to whom were referred the letters of the 22d of October last, from major-general Lincoln, brought in a report; Whereupon,

*Resolved*, That gen. Washington order the North-Carolina troops, and such others as may be conveniently spared from his army, to reinforce gen. Lincoln without delay.

*Resolved*, That the states of South-Carolina and Georgia be assured of the attention of Congress to their preservation, and be requested to make those exertions in their own defence recommended by the resolutions of Congress, of the 9th and 29th of March last, for filling up the continental army, and to provide that the militia of the said states, when called into service, shall be subject to the continental articles of war, in like manner with the militia of other states.

*Resolved*, That the governors of Virginia and North-Carolina be again requested to use their utmost exertions to have the whole of the troops ordered from their respective states, sent forward without loss of time to join general Lincoln's army, and that the troops be ordered away as they can, from time to time, be collected.

*Resolved*, That gen. Lincoln be directed to cause a court of enquiry to be held on brigadier-general Scott, for disobedience of the orders of Congress of the 27th of July last.

*Resolved*, That a deputy quarter-master general in Philadelphia be ordered to procure a proper vessel, and immediately to transport the military stores ordered and now in readiness for the state of South-Carolina.

#### FRIDAY, November 12, 1779.

Congress took into consideration the report of the committee, consisting of Mr. Matthews, Mr. Marchant, and Mr. Paca, on the memorial of colonel W. Palfrey:

The first resolution reported by the committee being read:

"That W. Palfrey, pay-master general, as a further compensation of his past services, be allowed the sum of                      thousand dollars:"

A motion was made by Mr. Fell, seconded by Mr. Root, to fill the blank with "twenty-five:"

On which the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} div.	<i>New-Jersey</i> , Mr. Scudder,	ay	} ay
Langdon,	no		Fell,	ay	
<i>Mass'tts-Bay</i> , Mr. Gerry,	ay	} ay	Houston,	no	} no
Lovell,	ay		<i>Pennsylvania</i> , Mr. Atlee,	no	
Holten,	ay		Muhlenberg,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	} no	Wynkoop,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	no		Mr. Dickinson,	ay	
Sherman,	no	} no	M'Kean,	ay	} ay
Root,	ay		<i>Maryland</i> , Mr. Plater,	no	
<i>New-York</i> , Mr. Morris,	no	} div.	Forbes,	no	} no
Lewis,	ay		<i>N.-Carolina</i> , Mr. Harnett,	ay	
			Sharpe,	ay	} ay
			<i>S.-Carolina</i> , Mr. Matthews,	no	

So it passed in the negative.

A motion was then made by Mr. Morris, seconded by Mr. Harnett, that the blank be filled with "twenty."

On which the yeas and nays being required by Mr. Forbes,

<i>New-Hampshire</i> , Mr. Peabody,	ay	} div.	<i>Rhode-Island</i> , Mr. Marchant,	no	} no
Langdon,	no		<i>Connecticut</i> , Mr. Huntington,	ay	
<i>Mass'tts-Bay</i> , Mr. Gerry,	ay	} ay	Root,	ay	} ay
Lovell,	ay		<i>New-York</i> , Mr. Morris,	ay	
Holten,	ay		Lewis,	ay	

<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay	<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
	Fell,	ay			M'Kean,	ay	
	Houston,	no		<i>Maryland,</i>	Mr. Plater,	ay	} div.
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay		Forbes,	no	
	Muhlenberg,	no		<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
	Wynkoop,	ay			Sharpe,	ay	
				<i>S.-Carolina,</i>	Mr. Matthews,	no	} no

So it was resolved that William Palfrey, esq. pay-master-general, as a further compensation for his past services, be allowed the sum of 20,000 dollars.

*Resolved,* That until the further order of Congress, the pay-master general to the armies of the United States, be allowed at the rate of 14,000 dollars per annum :

That so much of the memorial of colonel Palfrey, of the 29th of September last, as relates to the deputy pay-masters-general, be referred to the board of treasury.

Congress resumed the consideration of a report of the board of treasury, which was postponed on the 6th instant ; and, thereupon,

*Resolved,* That each of the commissioners of the board of war, not members of Congress, be allowed 14,000 dollars per annum, and each of the commissioners of the navy-board, 12,000 dollars per annum ; the secretary to the board of war, 10,000 dollars ; and each of the clerks in the office of the secretary of Congress and of the board of war, 7000 dollars per annum.

*Resolved,* That the salaries aforesaid be annually or oftener, as Congress shall judge it expedient, revised and altered according to the appreciation of the continental currency.

*Resolved,* That regimental pay-masters, not being of the rank of captains, quarter-masters and adjutants, be entitled to receive the same subsistence money as is allowed to captains by the act of Congress of the 18th of August last ; this subsistence to commence on that day.

*Resolved,* That the eleven companies of artificers, raised by the quarter-master-general, be reformed, and incorporated and arranged in such manner as the commander in chief shall deem proper :

That when such arrangement shall have been made, and the same be transmitted to the board of war, to the intent the officers may receive their commissions, which shall entitle them to rank only in their own corps, and enable them to hold regimental courts-martial in cases that concern their own corps only, and are usually cognizable by regimental courts-martial of the line :

That the officers and men of the said corps be considered as part of the quotas of the 80 battalions as apportioned on the several states to which they respectively belong.

On motion of Mr. Matthews, seconded by Mr. Morris,

*Resolved,* That the marine committee be empowered, if they judge it proper, to discharge the vessel which they were directed to take up and employ as a prison-ship.

SATURDAY, November 13, 1779.

Mr. Muhlenberg, a delegate for the state of Pennsylvania, laid before Congress the credentials of the delegates for the said state, which were read ; whereby it appears, that the general assembly proceeded to the choice of five persons to serve the state in Congress ; and the election being taken by ballot, John Armstrong, James Searle, Frederick Muhlenberg, James M'Clene, and William Shippen, senior, esqrs. were duly elected, and declared accordingly.

A letter, of the 9th, from major-general Sullivan, was read, requesting leave, on account of his ill state of health, to retire from the service :

Whereupon, a motion was made by Mr. Gerry, seconded by Mr. Harnett, "that the resignation of major-general Sullivan be not accepted, but that he have leave to retire from the service as long as he shall judge it expedient for the recovery of his health:"

A motion was made by Mr. Morris, seconded by Mr. Matthews, that the foregoing letter and motion be referred to a committee of three;

On which the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} no.	<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay
	Langdon,	no			Fell,	ay	
<i>Massa'sts-Bay,</i>	Mr. Gerry,	no	} div.		Houston,	ay	} ay
	Lovell,	no		<i>Pennsylvania,</i>	Mr. Muhlenberg,	ay	
	Holten,	ay		<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Patridge,	ay		<i>Maryland,</i>	Mr. Plater,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	ay	} ay		Forbes,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	ay		<i>N.-Carolina,</i>	Mr. Harnett,	no	
	Sherman,	ay	} ay		Sharpe,	ay	} div.
	Root,	ay		<i>S.-Carolina,</i>	Mr. Matthews,	ay	
<i>New-York,</i>	Mr. Morris,	ay	} ay				
	Lewis,	ay					

So it was resolved in the affirmative.

The members chosen, Mr. Morris, Mr. Harnett and Mr. Forbes.

On motion of Mr. Root, seconded by Mr. Morris,

*Resolved,* That the board of war be informed, that major-general Philips and brigadier-general Reidesel, with their families, are permitted to proceed to New-York on parole; and that they take necessary measures to forward them immediately.

*Resolved,* That Wednesday next be assigned for giving audience to the hon. chevalier de la Luzerne, minister plenipotentiary of his most Christian majesty.

Congress proceeded to the election of two members to wait upon the hon. the chevalier de la Luzerne, and conduct him to the audience: the members chosen, Mr. Matthews and Mr. Morris.

*Resolved,* That a member be added to the committee on the treasury in the room of Mr. Wynkoop: the member chosen, Mr. Muhlenberg.

*Resolved,* That the door of the Congress chamber be open during the audience to be given to the minister plenipotentiary of his most Christian majesty.

*Resolved,* That the delegates of Pennsylvania be requested to inform the president and supreme executive council, and the speaker and assembly of the said state, that the minister plenipotentiary of his most Christian majesty the king of France, will receive his audience of Congress on Wednesday next, at twelve o'clock; when the doors of the Congress chamber will be opened.

*Resolved,* That each member of Congress may give two tickets for the admittance of other persons to the audience, and that no person, except those specified in the foregoing resolution, be admitted without such a ticket, or a ticket signed by the members appointed to introduce the minister to Congress.

#### MONDAY, November 15, 1779.

A letter, of this day, from W. Palfrey, pay-master general, was read; Whereupon,

*Resolved,* That W. Palfrey, esq. pay-master general, have leave of absence to visit his family.

A motion was made by Mr. Gerry, seconded by Mr. Sherman,

"Whereas it may be highly injurious to the interest of these United States, to permit candidates for public offices to vote in or otherways influence their own elections:

**Resolved,** That Congress will not appoint any member thereof during the time of his sitting, or within six months after he shall have been in Congress, to any office under the said states for which he or any other for his benefit may receive any salary, fees or other emolument."

On which the previous question was moved by Mr. Forbes, and seconded by Mr. Morris, and the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} no	<i>New-Jersey,</i>	Mr. Scudder,	no	} div.
	Langdon,	no			Fell,	ay	
<i>Mass's-Bay,</i>	Mr. Gerry,	no	} no	<i>Pennsylvania,</i>	Mr. Searle,	ay	} ay
	Lovell,	no			Mulenberg,	ay	
	Holten,	ay			Shippen,	no	
	Patridge,	no		<i>Maryland,</i>	Mr. Plater,	no	} div.
<i>Connecticut,</i>	Mr. Huntington,	no	} no		Forbes,	ay	
	Sherman,	no		<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
<i>New-York,</i>	Mr. Morris,	ay	} ay		Sharpe,	ay	
	Lewis,	ay		<i>S.-Carolina,</i>	Mr. Matthews,	ay	ay

So it was resolved in the affirmative, and the main question was set aside.

The committee, consisting of Mr. Matthews, Mr. Sharpe and Mr. Marchant, to whom was referred a memorial of captain Charles de Frey, brought in a report; Whereupon,

**Resolved,** That captain Charles de Frey have leave of absence for eight months.

## TUESDAY, November 16, 1779.

Mr. Philip Schuyler, a delegate for the state of New-York, attended, and produced a notification of his appointment, which was read.

The marine committee having communicated to Congress a paragraph of a letter from J. Beatty, commissary-general of prisoners, informing, "that there are some Spaniards on board the prison-ship at New-York, whose necessities call for our support;" thereupon,

**Resolved,** That the commissary-general of prisoners be directed, until the further order of Congress, to make the same provision for the Spanish prisoners in New-York as is made for the prisoners of the United States, keeping a separate account thereof.

The committee, consisting of Mr. Mercer, Mr. Houston, Mr. Sherman, Mr. Forbes, Mr. Scudder and Mr. Matthews, to whom was referred a letter of the 21st of September last, from the council of Massachusetts-Bay, report the following resolution:

"That although Congress have the highest sense of the zeal and exertions of the state of Massachusetts-Bay, in the common cause, and are at all times disposed to give them every possible proof thereof, yet in the present situation of the general treasury, and from the pressing necessity of a full and punctual payment of the taxes required for the prosecution of the war, their request to retain the 6,000,000 of dollars mentioned in their letter of the 21st of September last, cannot be complied with."

On the question to agree to the said resolution, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} div.	<i>New-Jersey,</i>	Mr. Scudder,	ay	} ay
	Langdon,	ay			Fell,	ay	
<i>Mass's-Bay,</i>	Mr. Gerry,	no	} no	<i>Pennsylvania,</i>	Mr. Searle,	ay	} ay
	Lovell,	no			Muhlenberg,	ay	
	Holten,	no		<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Patridge,	no		<i>Maryland,</i>	Mr. Plater,	ay	
<i>Connecticut,</i>	Mr. Huntington,	ay	} ay		Forbes,	ay	} ay
	Sherman,	ay		<i>Virginia,</i>	Mr. Griffin,	ay	
<i>New-York,</i>	Mr. Schuyler,	ay	} ay	<i>N.-Carolina,</i>	Mr. Harnett,	ay	} ay
	Morris,	ay			Sharpe,	ay	
	Lewis,	ay		<i>S.-Carolina,</i>	Mr. Matthews,	ay	ay

So it was resolved in the affirmative.



The committee on the quarter-master and commissary-general's departments, laid before Congress a letter of the 1st, and one of the 9th, from J. Wadsworth, commissary-general of purchases; Whereupon,

*Resolved*, That the rum and sugar belonging to the public be delivered over to the committee on the commissary and quarter-master general's departments, to be disposed of in such manner as they may, from time to time, direct, excepting such parts thereof as the marine committee may think necessary for the use of the continental navy.

A report from the board of war was read; Whereupon,

*Resolved*, That in addition to the sub-clothiers appointed by virtue of the ordinance of the 23d of March, 1779, for regulating the clothing department, the clothier-general, with the approbation of the board of war and the commander in chief, appoint a sub-clothier to receive from the clothier-general and the several sub-state-clothiers, the proportion of clothing assigned the artillery, cavalry, artificers and corps composed of troops from different states, according to the general estimate, and to cause such clothing to be distributed to the officers and soldiers of the several corps aforesaid, and in all other respects to govern his conduct in the execution of the said business agreeably to the regulation of Congress of the 23d of March, 1779, respecting the sub-clothiers.

*Resolved*, That it be recommended to the several states to allow the corps of artificers established by Congress the 12th inst. all the benefits provided for officers and soldiers in the line of their quotas of the continental battalions, except the half-pay:

That the commanding-officer of the corps of artificers shall be allowed the same pay and subsistence as a lieutenant-colonel:

That the allowance of pay, subsistence and clothing of the other officers and men of the said artificers, be the same with that of the artillery-artificers under the command of colonel B. Flower.

On motion of Mr. Gerry, seconded by Mr. Lovell,

*Resolved*, That the deputy secretary of Congress be allowed at the rate of 10,000 dollars per annum, until the further order of Congress.

Congress proceeded to the election of a deputy secretary; and, the ballots being taken, Mr. George Bond was elected.

The committee, consisting of Mr. Sherman, Mr. Paca and Mr. Dickinson, to whom was referred a letter of the 25th of October last, from Dr. J. Morgan, brought in a report; Whereupon,

*Resolved*, That it be recommended to the executive authority of the respective states, upon the application of the judge advocate for that purpose, to grant proper writs requiring and compelling the person or persons whose attendance shall be requested by the said judge, to appear and give testimony in any cause depending before a court-martial; and that it be recommended to the legislatures of the several states to vest the necessary powers for the purposes aforesaid in their executive authorities, if the same be not already done.

*Resolved*, That in cases not capital in trials in courts-martial, depositions may be given in evidence, provided the prosecutor and person accused are present at the taking the same.

On motion of Mr. Langdon, seconded by Mr. Morris,

*Resolved*, That the marine committee be authorized, from time to time, to appoint advocates for the purpose of taking care of and managing the maritime causes, in which the United States are or may be concerned.

*Ordered*, That Mr. Langdon have leave of absence.

WEDNESDAY, November 17, 1779.

According to order, the honorable chevalier de la Luzerne, minister plen-

potentiary of his most Christian majesty, was introduced to an audience by Mr. Matthews and Mr. Morris, the two members for that purpose appointed, and being seated in his chair, the secretary of the embassy delivered to the president a letter from his most Christian majesty, of which the following is a translation :

To our very dear great friends and allies the president and members of the general Congress of the United States in North-America :

*Very dear, great friends and allies,*

The bad state of health of the sieur Gerard, our minister plenipotentiary to you, having laid him under the necessity of applying for a recal, we have made choice of the chevalier de la Luzerne, a colonel in our service, to supply his place. We have no doubt but he will be agreeable to you, and that you will repose entire confidence in him. We pray you to give full credit to all he shall say to you on our behalf, especially when he shall assure you of the sincerity of our wishes for your prosperity, as well as of the constancy of our affection and of our friendship for the United States in general, and for each one of them in particular. We pray God to keep you, our very dear, great friends and allies, in his holy protection.

Your good friend and ally, LOUIS.

(Underneath)

GRAVIER DE VERGENNES.

Done at Versailles, the 31st of May, 1779.

The minister was then announced to the house ; Whereupon he arose, and addressed Congress in a speech, which, when he had finished, the secretary delivered in writing to the president, and of which the following is a translation :

*Gentlemen,* The wisdom and courage which have founded your republic : the prudence which presides over your deliberations ; your firmness in execution ; the skill and valor displayed by your generals and soldiers, during the course of the war, have attracted the admiration and regard of the whole world. The king, my master, was the first to acknowledge a liberty acquired amidst so many perils and with so much glory. Since treaties dictated by moderation, have fixed upon a permanent base the union of France with the American republic, his majesty's whole conduct must have demonstrated how dearly he tenders your prosperity, and his firm resolution to maintain your independence by every means in his power. The events which have successively unfolded themselves, shew the wisdom of those measures. A powerful ally hath acknowledged the justice of those motives which had compelled the king to take arms, and we may reasonably hope for the most solid success, from the operations of the united fleets. The naval force of the enemy hath been diverted from your continent. Compelled to flee to the defence of their own possessions, all their efforts have been too feeble to prevent our troops from conquering a considerable part. The other British islands feared the same lot, when the French general stopped the current of his success, to seek new dangers here. In conforming to his majesty's intentions, he has complied with his own inclinations, the desires of the French and the request of the Americans, which invited him to join his arms to those of your republic. Events have not completely answered his courage and his efforts, but his blood and that of my countrymen, shed in a cause so dear to us, hath cemented the base on which the alliance is founded, and impressed on it a character as indelible as are all those by which it is already consecrated.

That alliance, gentlemen, becomes daily more indissoluble, and the benefits which the two nations derive from it, have given it the most perfect consistence. The relations of commerce between the subjects of the king, my master, and the inhabitants of the thirteen United States continually, multiply ; and we may already perceive in spite of those obstacles which embarrass the reciprocal communication, how natural it is, how advantageous

it will be to the two nations and all who participate in it, and how much the monopolizing spirit, the jealous attention and prohibitory edicts of the enemy to your freedom, have been prejudicial to your happiness.

It is under these circumstances, gentlemen, that the king, my master, hath been pleased to appoint me his minister plenipotentiary to you. You have seen in the letter which I had just now the honor to deliver from him, fresh assurances of his friendship. I consider as the happiest circumstance of my life, a mission in the course of which I am certain of fulfilling my duty when I labour for your prosperity ; and I felicitate myself upon being sent to a nation whose interests are so intimately blended with our own, that I can be useful neither to France nor the American republic, without rendering myself agreeable both to the one and to the other.

It was certainly desirable that the affairs with which I am charged, had remained in the hands of that enlightened minister whom I succeed, and whose health compels him to return to France. I have not his abilities, but like him I have an unbounded zeal for the welfare and success of the common cause ; like him I am directed to concur in every thing which can be useful or agreeable to your republic. I have the same attachment to the people, you, gentlemen, represent, and the same admiration of their conduct. I have the most fervent wish to give you proofs of it, and I hope by these different titles to merit your confidence and your esteem.

LE CHEV. DE LA LUZERNE.

To which the president returned the following answer :

SIR, The early attention of our good friend and ally to these United States is gratefully felt by all their virtuous citizens ; and we should be unfaithful representatives if we did not warmly acknowledge every instance of his regard, and take every opportunity of expressing the attachment of our constituents to treaties formed upon the purest principles.

His most Christian majesty, in rendering himself protector of the rights of mankind, became entitled to assistance from the friends of man. This title could not but be recognized by a monarch whose diadem is adorned with equity and truth : that monarch, by joining his arms to those of our great ally, hath given a fatal blow to the common enemy ; and from the justness of the motives which unite the combined fleets, we expect the most solid benefits will crown their operations ; nor can we doubt that other powers will rejoice to see that haughty nation humbled, in proportion as they have been insulted by her presumptuous arrogance.

We well know, and all the world must acknowledge, the moderation and friendship of the most Christian king, in neglecting conquests which courted his acceptance for the benevolent pleasure of succouring his allies. In this, as in every other instance, we perceive his strict adherence to the principles of our defensive alliance. We are sensible of the zeal of the French general, in executing his majesty's orders. We esteem his courage, we lament his wounds, and we respect that generous valour which hath led your countrymen to contend with ours in the same common cause, in the same field of glory. A noble emulation which hath poured out the blood of the two nations, and mingled it together as a sacred pledge of perpetual union !

The consequences which have followed from the appearance of the French fleet upon our coasts, particularly by disconcerting the enemy's plans of operation, and destroying a considerable part of their naval force, demonstrate the wisdom of the measure. That they have not been still more beneficial, is to be attributed to those incidents which in the hand of Omnipotence determine all human events : but our disappointment is compensated by reflecting on the perfect harmony that subsisted between the generals and the troops of the two nations.

The prosperous course of the campaign gives a pleasing hope that the moment of peace may soon arrive, when the reciprocation of mutual good offices shall amply recompence our mutual labours and cares ; and we doubt not but in that moment the commerce between the allied nations, now struggling under great inconveniences, will shoot forth with vigor and advantage, and happily demonstrate the injuries we once suffered from the restraints of our enemies.

While we lament, sir, the loss of your worthy predecessor, we are led from your personal character to the pleasing expectation that you will possess that confidence and esteem which he enjoyed. They are due to the servant of our benefactor : we are happy in his choice, and being thoroughly convinced of the intimate connexion between the interests and views of the allied nations, we cannot but persuade ourselves that the more attentively you shall perform your duty to your sovereign, and the more sedulously you shall guard and promote the welfare of your country, the more agreeable and respectable you will render yourself to the citizens of America.

The secretary of Congress delivered to the minister a copy of the foregoing reply dated in Congress, November 17, 1779, and signed Samuel Huntington, president. Whereupon, the minister withdrew, and was conducted home in the manner in which he was brought to the house.

The committee on the treasury brought in a report ;

*Resolved*, That 5,000,040 dollars be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of credit of the following denominations, viz.

13,158 bills of 65 dollars,	855,270	13,158 bills of 40 dollars,	526,320
13,158 do. of 60 do.	789,480	13,158 do. of 35 do.	460,530
13,158 do. of 55 do.	723,690	13,158 do. of 30 do.	394,740
13,158 do. of 50 do.	657,900		
13,158 do. of 45 do.	592,110		5,000,040

That the said bills, excepting the numbers, be of the same tenor and date as the emissions directed on the 17th of September last, and be numbered from the last number in every denomination progressively.

*Resolved*, That the farther sum of 5,050,500 dollars, be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of credit of the following denominations, viz.

27,300 bills of 80 dollars,	2,184,000	27,300 bills of 3 dollars,	81,900
27,300 do. 70	1,911,000	27,300 do. 2	54,600
27,300 do. 20	546,000	27,300 do. 1	27,300
27,300 do. 5	136,500		
27,300 do. 4	109,200		5,050,500

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 14th of October last, and be numbered from the last number in every denomination progressively.

THURSDAY, November 18, 1779.

A letter, of the 14th, from gen. Washington, was read ; Whereupon,

*Resolved*, That the president inform general Washington, that Congress approve the sentiments and opinion expressed in his letter of the 14th instant, and desire that he may take what measures he thinks most proper upon the intelligence he must have by this time received.

A letter, of the 29th of October, from colonel Safford, was read, enclosing a letter of the 21st of the same month, from Jacob Safford, an ensign in colonel Warner's regiment, requesting leave to resign :

*Resolved*, That the resignation of ensign Jacob Safford be accepted.

*Ordered*, That Mr. Dickinson have leave of absence.

FRIDAY, November 19, 1779.

Congress resumed the consideration of the report of the committee on

the representation of the legislative council and general assembly of New-Jersey, and the proceedings of the convention of commissioners from the five eastern states, and thereupon came to the following resolutions :

Whereas the fluctuating state of prices not only causes inequality and injustice in private dealings, and in furnishing the public supplies from the several states, but renders it impracticable to make the proper estimates for future expenses, and to fix equitable salaries for those employed in the service of the United States : and whereas the estimates according to which the requisitions for the taxes of the succeeding year have been made by the resolution of the 6th of October last, have been formed on the principle that the prices of commodities necessary for the public use would not exceed twenty fold of the former prices, and should they rise above that rate, the taxes must be accordingly increased, but should they fall below it, the surplus of the sum raised may be applied to the sinking fund : therefore

*Resolved*, That it be earnestly recommended to the several states forthwith to enact laws for establishing and carrying into execution a general limitation of prices throughout their respective jurisdictions, on the following principles, and to commence in their operation from the first day of February next :

Articles of domestic produce, farming and common labor, the wages of tradesmen and mechanics, water and land carriage, not to exceed twenty fold of the prices current through the various seasons of the year 1774.

Articles imported from foreign parts to be in due proportion with labor and the articles as above stated, making a proper allowance for freight, insurance, and other charges.

Salt and military stores, whether of home manufacture or imported from abroad, to be excepted from limitation of price.

*Resolved*, That it be recommended to the several states to enact strict laws against engrossing and withholding, and to take the necessary measures for having the same carried into full execution.

*Resolved*, That the proceedings of the commissioners from the eastern states to New-York inclusive, at their meeting in Hartford, in Connecticut, on the 20th of October last, discover a generous attention to the public good, and are well calculated to promote the same : it is nevertheless expected that no time will be lost in giving effect to these resolutions, as the same general purpose may thereby be attained, and at an earlier period.

*Resolved*, That all officers and agents employed in making purchases for the United States, be directed to conform strictly to all regulations that are or may be established in the several states :

That accounts be kept and returns made by all persons employed to make purchases in behalf of the United States, or to hire vessels, carriages, or men, for the service of the same, of the prices by them respectively given in such states as shall not, before the 1st day of February, 1780, pass laws for the limitation of prices agreeable to the recommendation contained in the foregoing resolutions ; to the intent that such states as shall have neglected to pass laws for the purposes aforesaid, may respectively be charged in the public accounts with the aggregate amount of the difference of prices paid from and after the said first day of February, 1780, in such states and those in which such laws may have been enacted.

The last resolution reported by the committee being read, viz.

That it be recommended to the legislatures of the several states to revise their laws for making the paper currency a tender in the payment of debts, and so to frame them that injustice to creditors and debtors may be prevented ;" and an amendment being moved by Mr. Witherspoon, seconded by Mr. Forbes, by adding the words " and that the injustice which has already taken place may be remedied, as far as may be practicable :"



A motion was made by Mr. Gerry, seconded by Mr. Matthews, that the consideration of that part of the report and the amendment be postponed ;

On which the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire,</i>	Mr. Peabody,	ay	} div.	<i>New-Jersey,</i>	Mr. Witherspoon,	ay	} ay
	Langdon,	no			Scudder,	ay	
<i>Mass'tts-Bay,</i>	Mr. Gerry,	ay	} ay		Fell,	no	
	Lovell,	ay			Houston,	ay	
	Holten,	ay		<i>Pennsylvania,</i>	Mr. Searle,	ay	} ay
	Patridge,	ay			Muhlenberg,	ay	
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no		Shippen,	ay	
<i>Connecticut,</i>	Mr. Huntington,	no		<i>Maryland,</i>	Mr. Plater,	ay	} div.
	Sherman,	no	} no		Forbes,	no	
	Root,	no		<i>Virginia,</i>	Mr. Griffin,	no	} *
<i>New-York,</i>	Mr. Schuyler,	ay	} div.	<i>N.-Carolina,</i>	Mr. Harnett,	ay	
	Lewis,	no			Sharpe,	ay	} ay
				<i>S.-Carolina,</i>	Mr. Matthews,	ay	

So it was resolved in the affirmative.

### SATURDAY, November 20, 1779.

Mr. J. M'Clene, a delegate for the state of Pennsylvania, attended and took his seat in Congress.

Mr. R. R. Livingston, a delegate for the state of New-York, attended and produced the credentials of his appointment, which were read.

Congress took into consideration the report of the medical committee on the hospital staff; Whereupon,

*Resolved,* That the director-general, deputy directors-general, the assistant deputy-directors, the physicians and surgeons-general of the hospitals and army, the senior surgeons, the second or junior surgeons, the apothecaries-general and apothecaries mates or assistants, the hospital chaplains, regimental surgeons and mates, mates of the military hospitals, commissaries, assistant commissaries, pay-masters and stewards of the hospital, who shall have been in the service for the space of one year, and are at present employed in the same, shall each be entitled annually to draw clothing from the stores of the clothier-general, in the same manner and under the same regulations as are established for officers of the line by a resolution of Congress of the 26th day of November, 1777.

*Resolved,* That until the further order of Congress, the following officers of the military-hospital shall be entitled to subsistence, in like manner as is granted to officers of the line by a resolution of the 18th day of August last, and in the following proportions, viz. each deputy director-general, 500 dollars ; per month each assistant deputy director, 400 dollars ; each physician-general and surgeon-general, 500 dollars ; each physician and surgeon-general, 500 dollars ; each senior surgeon, 400 dollars ; each junior surgeon, 300 dollars ; each apothecary-general, 400 dollars ; each apothecary's assistant or mate, 100 dollars ; each commissary, 300 dollars ; each commissary's assistant, 200 dollars ; each clerk, who is to be pay-master, 200 dollars ; each steward, 100 dollars ; each chaplain, 400 dollars ;

The same to commence from the 18th day of August last.

*Resolved,* That all mates necessarily employed in the military hospital or army shall, during service, be entitled to the same subsistence as is given to regimental mates, viz. 100 dollars per month.

### MONDAY, November 22, 1779.

The committee appointed to correspond with the commanding officer of the southern department, laid before Congress a letter of the 24th of October from major-general Lincoln, which was read, together with a list of articles wanted for the southern department :

*Ordered,* That the list enclosed be referred to the board of war, and that



the board order as many of the said articles as can be spared, consistent with the general service, to be sent with all despatch to the southern department.

*Ordered*, That the marine committee give every assistance in their power in forwarding stores and troops to South-Carolina.

A petition from captain John Palfrey, a prisoner, was read :

*Ordered*, That the petitioner be permitted on parole to proceed to Boston, and that his petition be referred to the council of the said state, to take order thereon.

*Resolved*, That the medical committee be instructed to revise the several resolutions passed respecting the hospital department, and to digest and arrange them with such amendments as may make the whole consistent with and conformable to the alterations made by Congress in the original system, and report the same to Congress.

*Resolved*, That two members be added to the committee of commerce, in the room of Mr. Laurens and Mr. Lewis, who are absent : the members chosen, Mr. Griffin and Mr. Harnett.

The board of war, to whom was referred the memorial of the baron de Bonstellen, brought in a report ; Whereupon,

*Resolved*, That Congress have a due sense of the zeal of the baron de Bonstellen for the service of the United States ; but that it is not compatible with the present arrangement of the army to employ him in a station suited to his military pretensions, nor consistent with the principles established for rank and promotion therein, to grant him the brevet he requests.

*Resolved*, That the remainder of the report be referred to the marine committee, to take order thereon.

### TUESDAY, November 23, 1779.

According to order, Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. Plater reported, that the committee have had under consideration the report of the committee on ways and means, and come to a conclusion thereon, which he was directed to report :

The report being read,

“ That bills of exchange be drawn on Mr. J. Jay, to the amount of £ 100,000 sterling, and on Mr. Henry Laurens to the amount of £ 100,000 sterling, payable at six months sight ; and that the same be sold at the current rate of exchange.”

A division was called for, and that the first question be, that bills of exchange be drawn on Mr. J. Jay, to the amount of £ 100,000 sterling, payable at six months sight ; and that the same be sold at the current rate of exchange.

On which the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire</i> , Mr. Peabody	ay	} ay	<i>Pennsylvania</i> , Mr. Searle,	ay	} ay
<i>Mass'etts-Bay</i> , Mr. Lovell,	ay		Shippen,	ay	
	Holten,	ay	M'Clene,	ay	} div.
	Patridge,	no	<i>Maryland</i> , Mr. Plater,	ay	
<i>Connecticut</i> , Mr. Huntington,	ay	} no	Forbes,	no	} ay
	Sherman,		<i>N.-Carolina</i> , Mr. Harnett,	ay	
	Root,	no	Sharpe,	ay	} ay
<i>New York</i> , Mr. Schuyler,	ay	} ay	<i>S. Carolina</i> , Mr. Matthews,	ay	
	Livingston,				
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay			
	Scudder,				
	Fell,				
	Houston,	ay			

So it was resolved in the affirmative.

The question was taken on the second part : resolved in the affirmative.

*Resolved*, That a committee of three be appointed to report on the man

ner of carrying the above resolution into effect: the members chosen, Mr. Livingston, Mr. Matthews and Mr. Gerry.

*Resolved*, That a member be appointed to the board of war, in the room of Mr. Atlee: the member chosen, Mr. R. R. Livingston.

*Resolved*, That the board of treasury be authorized to appoint one or more special commissioners of accounts in conjunction with any one or two of the commissioners already appointed, to proceed to Maryland, in order to settle such public accounts as the said board shall direct.

### WEDNESDAY, November 24, 1779.

The delegates of Connecticut laid before Congress their credentials, which were read.

The delegates of New-Hampshire laid before Congress the credentials of their appointment, which were read.

*Resolved*, That two members be added to the committee of foreign affairs: the members chosen, Mr. Houston and Mr. Livingston.

A letter, of the 23d, from the board of war, was read:

*Ordered*, That it be referred to the marine committee to take order thereon, and that the quarter-master be discharged from procuring a vessel to forward stores to South-Carolina, as directed by the resolution of the 11th instant.

On petition of John Palfrey:

*Resolved*, That the order of the 22d on his former petition be re-considered and repealed, and that the said petition be referred to the president and supreme executive council of Pennsylvania to take order thereon.

A letter, of the 22d, from Dr. J. Morgan, was read:

*Ordered*, That the same be transmitted to the commander in chief, Dr. Shippen being first furnished with a copy thereof.

### THURSDAY, November 25, 1779.

A report from the board of war was read; Whereupon, Congress came to the following resolutions:

Whereas Congress, by sundry resolutions, have provided that clothing be furnished to officers of the line and others at prices proportioned to their pay; but no enumeration of the articles intended to be comprehended in a suit of clothes, having been made or any rules explicitly laid down for the delivery of, or payment for the same:

*Resolved*, That the following articles be delivered as a suit of clothes for the current and every succeeding year of their service, to the officers of the line and staff, entitled by any resolution of Congress to receive the same, viz.

One hat, one watch-coat, one body-coat, four vests, one for winter and three for summer, four pair of breeches, two for winter and two for summer, four shirts, four stocks, six pair of stockings, three pair thereof worsted and three of thread, four pair of shoes.

For which articles of clothing the officers shall pay, on receipt thereof, one half more than the prices at which the same were currently sold before the commencement of hostilities in April, 1775; and for this end, the purchasing agents employed on continental account shall transmit to the clothier-general, with the clothing they shall respectively purchase, the prices marked thereon at the rates aforesaid, and also correct invoices of the same, and copies of such rates and invoices, to the board of war. And all clothing purchased on continental account by the respective states shall be valued, marked and invoiced in like manner, and copies of such invoices and rates also transmitted to the board of war and the clothier-general: the clothing so purchased shall be distributed to and among the sub or state-clothiers, to be issued by them to the regimental-clothiers, and by the latter to the offi-

cers of the regiments and corps; and the said regimental-clothiers shall receive from the officers, on delivery of the clothing, the prices thereof so fixed; and they shall every three months settle their accounts of monies received for clothing with the auditors of the army in which they shall serve, and pay the monies which in such settlements shall be found chargeable to them or in their hands, to the pay-master general or deputy pay-master general of the army or detachment in which such regimental-clothiers shall serve. And the said pay-master general or deputy pay-master general shall make returns of the amount of all such monies so received to the board of treasury, that the said pay-master general or deputy pay-master general may be duly charged with the same. The auditors making such settlements with the regimental-clothiers, shall transmit to the pay-master or deputy pay-master general abstracts of such settlements, specifying the balances due from the regimental-clothiers respectively, that in cases of neglect, they may be duly called on for payment of the same: copies of such abstracts shall also be transmitted to the board of treasury. Excepting from this rule of distribution all staff-officers not taken from the line, who are to receive their clothing immediately from the clothier-general; or, if attached to the corps of or residing in any state at a distance from the clothier-general's store, from the sub-clothier of such state; paying for the same at the rates aforesaid. And all monies so received by the clothier-general or sub or state-clothiers, shall be placed to the credit of the United States, and accounts thereof duly transmitted to the board of treasury. The clothier-general to be charged in the settlement of his contingent account with the monies so received, and the sub or state-clothiers to be accountable for and pay the monies received by them, to the order of the executive of the state appointing them respectively; and the state to be charged in its clothing account with the amount of such monies. Excepting also all staff-officers who receive commissions on their expenditures of public monies, who are not to receive any clothing provided at continental expense.

That all clothing issued to non-commissioned officers and soldiers, enlisted artificers and wagoners, beyond that allowed to them as a bounty, shall also be valued and paid for at the rate before-mentioned; but no non-commissioned officer, soldier, wagoner or artificer, shall be entitled to purchase in any one year, out of the public store, any other additional articles than those of hats, hose, shirts and shoes, and not more of these than are absolutely necessary, and not exceeding the number of the like articles allowed as their bounty clothing.

That all the clothing before-mentioned for officers in the line and soldiers, shall be issued on returns certified by the commanding-officer of the corps to which they belong; all clothing to staff-officers on the certificates of their principal with the army or in the district within which they shall serve; to artificers, on the certificate of the commanding-officer of their corps; and to wagoners on the certificate of the quarter-master general, one of the assistant quarter-masters general or of the deputy quarter-master general employing them, or of the wagon-master general or deputy wagon-master general under whom they serve.

That no staff-officer, artificer or wagoner, not being engaged for at least one year, shall receive clothing; and if any such officer, artificer or wagoner, being engaged for one year or more, after receipt of such clothing, shall quit the service before the expiration of the term for which he or they are or shall be engaged, he or they shall forfeit and pay the full value of such clothing, and be subject to all other penalties and inconveniences attending his or their breach of contract, or desertion.

Congress proceeded to the election of a commissioner of the board of treasury; and, the ballots being taken, John Gibson was elected.

A motion was made by Mr. Gerry, seconded by Mr. Sherman, in the following words:

"Whereas it may be highly injurious to the interest of these United States, to permit candidates for public offices to vote in or otherwise influence their own elections:

*Resolved*, That Congress will not appoint any member thereof during the time of his sitting, or within six months after he shall have been in Congress, to any office under the said states for which he or any other for his benefit may receive any salary, fees or other emolument."

Whereupon, it was moved by Mr. Livingston, seconded by Mr. Searle, to postpone the consideration thereof:

On which the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire</i> , Mr. Peabody,	no	>no	<i>New-Jersey</i> , Mr. Scudder,	no	
<i>Mass'sts-Bay</i> , Mr. Gerry,	no		Fell,	ay	ay
Lovell,	no		Houston,	ay	
Holten,	no	>no	<i>Pennsylvania</i> , Mr. M'Clene,	no	>no
Patridge,	no		<i>Maryland</i> , Mr. Plater,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	no	>no	Forbes,	ay	
<i>Connecticut</i> , Mr. Huntington,	no		<i>Virginia</i> , Mr. Griffin,	no	*
Sherman,	no	>no	<i>N.-Carolina</i> , Mr. Harnett,	no	>no
Root,	ay		Sharpe,	no	
<i>New-York</i> , Mr. Schuyler,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	no	>no
Livingston,	ay				

So it passed in the negative.

A motion was made by Mr. Schuyler, seconded by Mr. Sharpe, after the words "in Congress," to insert the words "unless he shall have been deprived of his seat by the act of the legislature of the state which he represented."

On which the yeas and nays being required by Mr. Peabody,

<i>N.-Hampshire</i> , Mr. Peabody,	no	>no	<i>New-Jersey</i> , Mr. Fell,	no	>no
<i>Mass'sts-Bay</i> , Mr. Gerry,	no		Houston,	no	>no
Lovell,	no		<i>Pennsylvania</i> , Mr. Shippen,	no	>no
Holten,	no	>no	M'Clene,	no	>no
Patridge,	no		<i>Maryland</i> , Mr. Plater,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	no	>no	Forbes,	ay	
<i>Connecticut</i> , Mr. Huntington,	no		<i>Virginia</i> , Mr. Griffin,	no	*
Sherman,	no	>no	<i>N.-Carolina</i> , Mr. Harnett,	no	>div.
Root,	ay		Sharpe,	ay	
<i>New-York</i> , Mr. Schuyler,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	no	>no
Livingston,	ay				

So it passed in the negative.

A motion was made by Mr. Schuyler, seconded by Mr. Sharpe, to add to the original motion as follows, "unless to the office of ambassador, plenipotentiary or envoy to a foreign state, and unless to the office of a commissioner to negotiate a foreign loan."

On which the yeas and nays being required by Mr. Peabody,

<i>N.-Hampshire</i> , Mr. Peabody,	no	>no	<i>New-Jersey</i> , Mr. Fell,	ay	>div.
<i>Mass'sts-Bay</i> , Mr. Gerry,	no		Houston,	no	>div.
Lovell,	no		<i>Pennsylvania</i> , Mr. Shippen,	no	>no
Holten,	no	>no	M'Clene,	no	>no
Patridge,	ay		<i>Maryland</i> , Mr. Plater,	ay	>div.
<i>Rhode-Island</i> , Mr. Marchant,	no	>no	Forbes,	no	>div.
<i>Connecticut</i> , Mr. Huntington,	no		<i>Virginia</i> , Mr. Griffin,	ay	*
Sherman,	no	>no	<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
Root,	ay		Sharpe,	ay	
<i>New-York</i> , Mr. Schuyler,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	no	>no
Livingston,	ay				

So it passed in the negative.

The previous question was then moved by Mr. Holten, seconded by Mr. Marchant.

On which the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire</i> , Mr. Peabody,	no	} no	<i>New-Jersey</i> , Mr. Fell,	ay	} ay
<i>Massachusetts-Bay</i> , Mr. Gerry,	no		Houston,	ay	} ay
Lovell,	ay	} div.	<i>Pennsylvania</i> , Mr. Shippen,	ay	} div.
Holten,	ay		M'Clene,	no	} div.
Patridge,	no		<i>Maryland</i> , Mr. Plater,	ay	} ay
<i>Rhode-Island</i> , Mr. Marchant,	ay	} ay	Forbes,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	ay		<i>Virginia</i> , Mr. Griffin,	no	}*
Sherman,	no	} ay	<i>N.-Carolina</i> , Mr. Harnett,	ay	} ay
Root,	ay		Sharpe,	ay	} ay
<i>New-York</i> , Mr. Schuyler,	ay	} ay	<i>S.-Carolina</i> , Mr. Matthews,	no	} no
Livingston,	ay				

So it passed in the affirmative, and the main question was set aside.

On motion of Mr. Marchant, seconded by Mr. Root,

*Resolved*, That the departments of the quarter-master general and of the commissaries-general of purchases and issues be, for the future, under the superintendency and direction of the board of war; and that the committee of Congress on those departments deliver over to the board of war all papers in their hands respecting them, and thereupon be discharged.

FRIDAY, November 26, 1779.

A letter, of this day, from J. Gibson, was read, accepting the office of commissioner of the board of treasury.

A report from the board of war was read; Whereupon,

*Resolved*, That the returns for clothing for officers in the medical staff, (regimental surgeons and their mates, who are to draw with the regimental staff, excepted) be signed by the director-general or the physician-general and surgeon-general of the district, and such clothing shall be delivered either by the clothier-general, or any sub-clothier in the state in which the officer to receive clothing shall reside, as is provided in the cases of other staff officers not taken from the line:

That no clothing shall be sold or delivered to non-commissioned officers or soldiers beyond the articles they have received as their bounty, until the whole of the army shall have received their bounty clothing, it being the intention hereof that the surplus only shall be disposed of.

On motion of Mr. Schuyler, seconded by Mr. Matthews,

*Resolved*, That when any committee appointed by Congress have prepared their report, the same shall be delivered to the secretary at the table, who shall immediately endorse thereon the day of delivery, and if more than one are delivered on the same day, the first shall be endorsed No. 1, the second No. 2, and so on, to the intent that on the following day, after the journals, and any despatches which may have been received, and the reports from the board of treasury and board of war are severally read, decided upon or postponed, the reports of the committees may be read in the order of the dates and numbers endorsed on them.

Congress proceeded to the election of commissioners for the board of admiralty, and the ballots being taken, Thomas Waring, esq. and William Whipple, esq. were elected.

SATURDAY, November 27, 1779.

Congress took into consideration the report of the committee, consisting of Mr. Forbes, Mr. Sharpe, Mr. Morris, on a letter of the 17th of October last, from major-general Schuyler; and thereupon agreed to the following answer to the said letter:

“SIR: Notwithstanding the many injuries committed by the savages, Congress are disposed to peace; the conditions on which they insist are,

First, that it shall be supplicated on the part of the enemy; secondly, that they shall surrender all the Americans in their hands; thirdly, that they



shall expel all British agents and emissaries; fourthly, that they shall covenant to deliver up such as shall hereafter go among them; fifthly, that they shall covenant not to take up the hatchet again under penalty of being driven from their country; and sixthly, that they shall give hostages for their strict adherence to the promises to be by them made."

To which it was moved by Mr. Forbes, seconded by Mr. Houston, to add "and that Congress are willing to accept of any cession of territory which the said Indians may be inclined to make to the United States, reserving to any particular state their right of a prior claim to the territory aforesaid, or any part thereof."

An amendment was moved by Mr. Livingston, seconded by Mr. Schuyler, to add, "which cession shall be for the benefit of such state as may have a prior right."

On which the yeas and nays being required by Mr. Forbes,

<i>N-Hampshire</i> , Mr. Peabody,	no	no	<i>Pennsylvania</i> , Mr. Searle,	no	
<i>Mass's-Bay</i> , Mr. Gerry,	ay	ay	Muhlenberg,	no	
Holten,	ay	ay	McClene,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	Shippen,	no	
<i>Connecticut</i> , Mr. Huntington,	no	no	<i>Maryland</i> , Mr. Forbes,	no	
Sherman,	no	no	Plater,	no	
<i>New-York</i> , Mr. Schuyler,	ay	ay	<i>Virginia</i> , Mr. Griffin,	ay	*
Livingston,	ay	ay	<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
<i>New-Jersey</i> , Mr. Fell,	no	no	Sharpe,	ay	ay
Houston,	no	no	<i>S.-Carolina</i> , Mr. Matthews,	no	no

So it passed in the negative.

The previous question was then moved by Mr. Gerry, and seconded by Mr. Sharpe.

On which the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	ay	<i>Pennsylvania</i> , Mr. Searle,	ay	
<i>Mass's-Bay</i> , Mr. Gerry,	ay	ay	Muhlenberg,	ay	
Lovell,	ay	ay	McClene,	ay	
Holten,	ay	ay	Shippen,	ay	
Patridge,	ay	ay	<i>Maryland</i> , Mr. Plater,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	Forbes,	no	
<i>Connecticut</i> , Mr. Huntington,	ay	ay	<i>Virginia</i> , Mr. Griffin,	ay	*
Sherman,	ay	ay	<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
<i>New-York</i> , Mr. Schuyler,	ay	ay	Sharpe,	ay	ay
Livingston,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	ay	ay
<i>New-Jersey</i> , Mr. Fell,	no	no			
Houston,	no	no			

So it passed in the affirmative, and the main question was set aside.

A motion was then made by Mr. Marchant, seconded by Mr. Forbes, "That it be one condition of the peace, that no land be sold or ceded by any of the said Indians, either as individuals or as a nation, unless to the United States of America or by the consent of Congress."

On which the previous question was moved by Mr. Gerry, seconded by Mr. Sharpe, and the yeas and nays being required by Mr. Marchant,

<i>N.-Hampshire</i> , Mr. Peabody,	no	no	<i>Pennsylvania</i> , Mr. Searle,	ay	
<i>Mass's-Bay</i> , Mr. Gerry,	ay	ay	Muhlenberg,	ay	
Lovell,	ay	ay	McClene,	ay	
Holten,	ay	ay	Shippen,	ay	
Patridge,	ay	ay	<i>Maryland</i> , Mr. Plater,	no	
<i>Rhode-Island</i> , Mr. Marchant,	no	no	Forbes,	no	
<i>Connecticut</i> , Mr. Huntington,	ay	ay	<i>Virginia</i> , Mr. Griffin,	ay	*
Sherman,	ay	ay	<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
<i>New-York</i> , Mr. Schuyler,	ay	ay	Sharpe,	ay	ay
Livingston,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	ay	ay
<i>New-Jersey</i> , Mr. Fell,	ay	ay			
Houston,	ay	ay			

So it was resolved in the affirmative, and the main question was set aside.



**MONDAY, November 29, 1779.**

The delegates of New-Jersey laid before Congress the credentials of their appointment for the year ensuing, which were read, and by which it appears that the honourable John Fell, William Churchill Houston, and Thomas Henderson, esqrs. were duly elected.

Congress took into consideration the report of the committee appointed to report the manner in which the resolution of the 23d inst. relative to the drawing bills of exchange on Mr. Jay and Mr. Laurens, shall be carried into execution; Whereupon,

*Resolved*, That the bills be prepared under the direction of the board of treasury, and with such checks as they may devise to prevent counterfeits, and be signed by the treasurer of loans:

That so many of the bills as the treasury board shall, from time to time, think proper to issue, be put into the hands of the continental loan-officer in the state of Pennsylvania, or of any other state; and that the board of treasury direct the lowest rate of exchange at which the same may be sold:

That the board of treasury may, at their discretion, suspend the sale of such bills, reporting to Congress their reasons for so doing, that they may receive directions thereon:

That the committee of foreign affairs be, and they are hereby directed to write to Mr. Jay and Mr. Laurens, informing them of the drafts that will be made upon them, and explaining fully the reasons that urge Congress to draw, directing them to keep up a mutual correspondence and afford each other every assistance in procuring money to pay the bills:

That 1-8 per cent. on monies received in payment for the said bills, shall be allowed to the persons entrusted with the sale thereof:

That no bill be drawn for a less sum than the amount of £ 50 sterling.

On the question to agree to the foregoing resolutions, the yeas and nays being required by Mr. Gerry,

<i>New-Hampshire</i> , Mr. Peabody,	ay	ay	<i>New-Jersey</i> , Mr. Fell,	no	div.
<i>Mass'-ette-Bay</i> , Mr. Gerry,	no	no	Houston,	ay	div.
	Patridge,	no	<i>Pennsylvania</i> , Mr. Searle,	ay	ay
<i>Rhode-Island</i> , Mr. Marchant,	ay	ay	M'Cleane,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	ay	div.	Shippen,	ay	div.
	Sherman,	no	<i>Maryland</i> , Mr. Plater,	ay	div.
<i>New-York</i> , Mr. Schuyler,	ay	ay	Forbes,	no	div.
	Livingston,	ay	<i>N.-Carolina</i> , Mr. Harnett,	ay	ay
			Sharpe,	ay	ay

So it was resolved in the affirmative.

A letter, of the 31st of October, from major-general Lincoln, was read, enclosing a letter of the 5th of the same month, from lieutenant-colonel Bedaulx, giving information of the death of brigadier count Pulaski.

*Resolved*, That a monument be erected to the memory of brigadier count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose: the members chosen, Mr. Gerry, Mr. Livingston and Mr. Harnett.

The committee on the treasury brought in a report; Whereupon,

*Resolved*, That 10,000,140 dollars, being in full of the 200,000,000 of dollars, be emitted on the faith of the United States, and under the direction of the board of treasury, in bills of credit of the following denominations, viz.

26,316 bills of 65 dollars,	1,709,640	26,316 bills of 40 dollars,	1,052,640
26,317 do. 60	1,579,020	26,316 do. 35	921,960
26,316 do. 55	1,447,380	26,316 do. 30	789,480
26,316 do. 50	1,315,800		
26,316 do. 45	1,184,220		
			<u>10,000,140</u>

That the said bills, excepting the numbers, be of the same tenor and date

as the emissions directed on the 17th of November instant, and be numbered from the last number in every denomination progressively.

*Resolved*, That the treasurer be directed to retain in his hands 4,000,000 of dollars of the sum this day ordered to be emitted, for discharging such warrants as may be hereafter issued for supplying the several military-chests.

Congress took into consideration the report of the committee, late on the commissary and quarter-master's departments, to whom was referred a letter of the 10th of October last from J. Wadsworth, esq. commissary-general of purchases; Whereupon,

*Resolved*, That Jeremiah Wadsworth, commissary-general of purchases, have leave to resign his office on the first day of January next, agreeable to his request, and that he settle his accounts with the public as soon after he is out of office as may be, agreeably to the directions of the board of treasury.

**TUESDAY, November 30, 1779.**

Mr. Ellery, a delegate for Rhode-Island, attended, and took his seat.

The committee, consisting of Mr. Matthews, Mr. Schuyler, Mr. Sherman, Mr. Gerry and Mr. Houston, to whom was re-committed their report on a letter of the 20th, from gen Washington, brought in a report; Whereupon,

*Resolved*, That a committee of two be appointed to repair to head quarters and confer with the commander in chief, on the state of the southern department:

That the said committee, previous to their departure, confer with the committee appointed to correspond with the commanding officer in the southern department, who are hereby directed to furnish them with all such intelligence relating to the same as has been received:

That the committee also confer with the commander in chief on the subject of the papers transmitted to Congress by the minister plenipotentiary of his most Christian majesty and Don Juan de Mirailles, and report to Congress such measures as to the conferrees may seem most advisable to be taken:

That the commander in chief apply to any of the states he may think proper for such number of militia as he may judge requisite, to replace the troops detached or which may be detached to the southward: the members chosen, Mr. Schuyler and Mr. Marchant.

Congress took into consideration the report of the committee, consisting of Mr. Livingston, Mr. Sherman, Mr. Matthews, on a letter of the 6th of October from Mr. W. Bingham; Whereupon,

*Resolved*, That Mr. Bingham's letter of the 6th of October last, with the papers enclosed therein, and marked No. 1, 2, 3, 4, together with a certified copy of his appointment to the place of continental agent, be transmitted by the president to the legislature of the state of Massachusetts-Bay, with the following letter:

"GENTLEMEN, I am directed by Congress to transmit to you the enclosed papers from Mr. Bingham. They contain an account of his proceedings relative to a vessel said to be Danish property, captured by the sloop Pilgrim, and carried into Martinique, about which, as he says, a suit is now commenced against him in your superior court. Upon a full examination of the papers, you will judge of the measures which ought to be adopted to prevent, on the one hand, injustice to individuals, and on the other, the embarrassment of agents, who are obliged to conform to the will of the ruling powers at the place of their residence. As courts are now instituted at Martinique for the trial of such causes, Congress submit to you whether it would not be advisable to stop the suit already commenced till judgment is obtained upon the principal question; after which it will be in Mr. Bingham's power to discharge himself by delivering to the true owners the pro-

perty placed in his hands for their use. If you should be of a contrary opinion, they request you to furnish Mr. Bingham's agent with the enclosed papers. I am, &c."

Congress took into consideration the report of the committee on the letter of the 9th inst. from major-general Sullivan, which is as follows:

"That Congress have a just sense of the services and abilities of major-general Sullivan, and greatly regret the indisposition which deprives them of so gallant an officer; that as gen. Sullivan's health will not permit his continuance in the American army, his resignation be accepted."

A motion was made by Mr. Gerry, seconded by Mr. Peabody, to strike out the words "that as gen. Sullivan's health," &c. to the end, in order to insert in lieu thereof "and that gen. Sullivan have leave to retire from the service so long as he shall judge necessary for the recovery of his health."

On the question, shall the words moved to be struck out stand?

The yeas and nays being required by Mr. Peabody,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	} no	<i>Pennsylvania,</i>	Mr. Searle,	ay	}
<i>Mass'-Bey,</i>	Mr. Gerry,	no	}		Muhlenberg,	ay	}
	Lovell,	no	} no		Shippen,	ay	}
	Patridge,	no	}		McClenc,	ay	}
<i>Rhode-Island,</i>	Mr. Marchant,	no	} no	<i>Maryland,</i>	Mr. Plater,	ay	}
<i>Connecticut,</i>	Mr. Huntington,	ay	}		Forbes,	ay	}
	Sherman,	ay	} ay	<i>Virginia,</i>	Mr. Griffin,	ay	}
<i>New-York,</i>	Mr. Schuyler,	ay	}	<i>N.-Carolina,</i>	Mr. Harnett,	no	}
	Livingston,	ay	} ay		Sharpe,	no	}
<i>New-Jersey,</i>	Mr. Fell,	ay	}				
	Houston,	ay	} ay				

So it was resolved in the affirmative.

On the question to agree to the report, resolved in the affirmative.

On motion of Mr. Livingston, seconded by Mr. Marchant,

*Resolved,* That the president be requested to return the thanks of Congress to major-general Sullivan for his past services.

On motion of Mr. Livingston, seconded by Mr. Peabody,

*Resolved,* That the board of war be directed to procure from the quartermaster general, the commissaries-general, the forage-master and the barrack-master general, a return of all the assistants, deputies, officers, agents, and other persons employed in their respective departments, the districts in which they are so employed, and the terms upon which they are engaged; and that such returns be made by the first day of January next.

*Ordered,* That Mr. Marchant have leave of absence: that Mr. Schuyler have leave of absence.

### WEDNESDAY, December 1, 1779.

Congress took into consideration the report of the committee on the post-office; Whereupon,

*Resolved,* That the accounts of the post-master general be referred to the board of treasury, to be by them adjusted and liquidated;

That the salary of the post-master-general be increased to \$,500 dollars per annum, to commence the first day of September last:

That the comptroller's salary be increased to 2,500 dollars per annum, to commence on the first day of September.

### THURSDAY, December 2, 1779.

Mr. W. Floyd and Mr. Ezra L'Hommedieu, delegates for the state of New-York, attended, and having severally produced an exemplification signed by the governor, and with the great seal of the state appendent, of a commission to delegates for that state in Congress, in which their names are included, they took their seats in Congress.

A letter, of the 2d, from Morgan Conner, lieutenant-colonel commandant of the 7th Pennsylvania regiment, was read, requesting leave of absence, that he may make a voyage to the West-Indies for the recovery of his health, and enclosing a letter of the 23d of November from gen. Washington, approving his request and referring him to Congress for obtaining it; Whereupon,

*Resolved*, That lieutenant-colonel Morgan Conner have leave of absence for six months, and that he may make a voyage to the West-Indies for the recovery of his health.

A report from the board of war was read; Whereupon,

*Resolved*, That Mons. l'Eclise receive the pay and subsistence of a captain, during the pleasure of Congress:

That so soon as clothing shall be provided for the staff of the army, and the state clothier of New-York shall be thereby enabled to deliver out the same, he be directed by the board of war to furnish Mons. l'Eclise with a suit of clothes on the terms on which clothing is delivered to the officers of the staff, agreeably to the regulation of the 25th ultimo.

Congress took into consideration the report of the late committee on the quarter-master and commissary-general's departments, to whom was referred a memorial of E. Blaine, deputy commissary-general of purchases, of the 27th of October last; Whereupon,

*Resolved*, That the board of war be directed to report to Congress, an estimate of the provisions wanted for one year from the 1st instant, for the army of the United States; and that they inform themselves from the consul of France what provisions will probably be wanted for the fleets of our ally in the ensuing year, and also report the same.

*Resolved*, That the marine committee be directed to report to Congress an estimate of the provisions that will be wanted for one year, from the 1st instant, for the navy of the United States.

Congress proceeded to the election of a commissary-general of purchases; and, the ballots being taken, Ephraim Blaine, esq. was elected.

#### FRIDAY, December 3, 1779.

Congress proceeded to the election of a commissioner for the board of admiralty; and, the ballots being taken, George Bryan, esq. was elected having been previously nominated by Mr. Sherman.

The members of Congress elected for the said board, are Mr. Floyd, and Mr. Forbes; Mr. J. Brown was elected secretary of the board of admiralty.

#### SATURDAY, December 4, 1779.

A letter, of the 29th of November last, from general Washington, was read; Whereupon,

*Resolved*, That general Washington be informed it is the desire of Congress, that the troops of the Virginia line be immediately put in motion, agreeably to what is mentioned in the former part of his letter.

*Ordered*, That the letter be referred to the board of war, and that the board be instructed to take measures for carrying into execution the views of the general.

A motion was made by Mr. Forbes, seconded by Mr. Fell,

"That major-general Charles Lee be informed that Congress have no further occasion for his services in the army of the United States of America."

On which the previous question being moved by Mr. Ellery, seconded by Mr. Gerry, and the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire</i> , Mr. Peabody,	ay	} ay	<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	
<i>Mass's-Bay</i> , Mr. Gerry,	ay		<i>Connecticut</i> , Mr. Huntington,	no		} no
Lovell,	ay		Sherman,	no		
Holten,	no		<i>New-York</i> , Mr. Livingston,	ay		
Patridge,	ay		Floyd,	ay		
		L'Hommedieu,	ay			

<i>New-Jersey,</i>	Mr. Fell,	no	} no	<i>Virginia,</i>	Mr. Griffin,	no	} °
	Houston,	no		<i>N.-Carolina,</i>	Mr. Harnett,	ay	
<i>Pennsylvania,</i>	Mr. Muhlenberg,	ay	} ay		Sharpe,	no	} dir.
	Shippen,	ay		<i>S.-Carolina,</i>	Mr. Matthews,	ay	
<i>Maryland,</i>	Mr. Plater,	no	} no				
	Forbes,	no					

So it passed in the affirmative, and the main question was set aside.

*Resolved*, That J. Wadsworth, esq. be informed that Congress have agreed to accept of his resignation, and have elected Ephraim Blaine, esq. to succeed him, but as Mr. Blaine has not yet signified his acceptance, and a failure of supplies may be attended with dangerous consequences, that Mr. Wadsworth, with the deputies under him, be desired to continue in the business of supplying the army, until his successor shall have accepted and shall be in capacity to enter upon and execute the duties of the office.

#### MONDAY, December 6, 1779.

A letter, of the 2d, from general Washington, was read ; Whereupon,

*Resolved*, That general Washington be informed that Congress approve of colonel Baylor's regiment of dragoons, at present commanded by lieutenant-colonel Washington, being sent to South-Carolina, and that the board of war order them to proceed immediately to join major-general Lincoln.

A report from the board of war was read ; Whereupon,

*Resolved*, That all officers who have been or shall be indulged with furloughs, and who have not joined or shall not join their corps at the expiration of the times limited therein, and all officers absent without leave, shall, when practicable so to do, be personally notified and directed by the commanding-officer of the corps, to join their regiment or corps in a reasonable time after receipt of such notification ; and in case of neglect or refusal so to do, or to give satisfactory reasons for their remaining absent therefrom, a court-martial, on proof made of such notice given and consequent neglect or refusal, shall proceed against such absentees, in the same manner as if they were present, and such absence and neglect or refusal to appear or give satisfactory reasons for their continuance of absence, shall be sufficient cause for cashiering, by judgment of the court-martial, the officers so notified and neglecting or refusing :

That when, from the want of information of the residence of any absent officer or officers, the commanding-officer of the corps or regiment shall not have it in his power to send a personal notification, he shall publish in the newspapers of the state, where such absent officer or officers belong and usually reside, an order requiring generally all absent officers belonging to such corps or regiment, to join the same in a specified time ; and in case of neglect or refusal to appear within the time limited, or before the sitting of the court-martial, if such space of time, in the opinion of the court, be reasonable and proper, such absentee or absentees shall be proceeded against in like manner with those receiving personal notice.

A note from the hon. the minister plenipotentiary of France was read, relative to the capture of an English vessel called the Grey-hound, by eight American sailors :

*Ordered*, That a certified copy of the resolution of October the 14th, 1777, be transmitted to the minister, and that he be informed it is the pleasure of Congress that the money arising from the sale of the capture be paid to the captors, agreeably to the said resolution.

#### TUESDAY, December 7, 1779.

A letter, of November the 8th, from lieutenant-colonel Charles Simms, was read, desiring leave to resign :

*Ordered*, That his resignation be accepted.



A letter, of the 6th, from G. Bryan, esq. was read, declining to accept the office of commissioner of the board of admiralty.

Congress proceeded to the election of a commissioner for the board of admiralty; and, the ballots being taken, Francis Lewis, esq. was chosen.

Congress proceeded to the election of a commissioner for the board of war; and, the ballots being taken, colonel William Grayson, was chosen.

*Resolved*, That two members be added to the committee on appeals, in the room of Mr. Marchant and Mr. Root: the members chosen, Mr. L'Houmedieu and Mr. Ellery.

*Ordered*, That Mr. Harnett have leave of absence.

### WEDNESDAY, December 8, 1779.

Mr. Thomas Burke and Mr. Allen Jones, delegates for the state of North-Carolina, attended, and produced their credentials, which were read.

A letter, of this day, from F. Lewis, was read, signifying his acceptance of the office of commissioner of the board of admiralty.

A motion was made by Mr. Matthews, seconded by Mr. Harnett,

That the board of war be directed to use the best means in their power, to forward by land the Virginia troops to join the southern army.

A motion was made by Mr. Ellery, seconded by Mr. Forbes,

That the consideration of the foregoing motion be postponed until the committee who are gone to head-quarters, and, among other things, were to confer with general Washington on the state of the southern department, shall have reported the result of their conference.

A division of the last motion was called for, and on the question to postpone the consideration of the first motion, the yeas and nays being required by Mr. Matthews,

<i>N.-Hampshire,</i>	Mr. Peabody,	no	>no	<i>New-Jersey,</i>	Mr. Fell,	ay	} div.	
<i>Mass'ette-Bay,</i>	Mr. Lovell,	no	} no		Houston,	no		
	Holten,	no			<i>Pennsylvania,</i>	Mr. Muhlenberg,	no	} no
	Patridge,	ay				Shippen,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	>ay	<i>Maryland,</i>	Mr. Plater,	no	} div.	
<i>Connecticut,</i>	Mr. Huntington,	no	} no		Forbes,	ay		
	Sherman,	no			<i>Virginia,</i>	Mr. Griffin,	no	}*
<i>New-York,</i>	Mr. Livingston,	no	} no	<i>N.-Carolina,</i>	Mr. Harnett,	no	} no	
	Floyd,	no				Burke,		no
	L'Hommedieu,	no				Jones,		no
				<i>S.-Carolina,</i>	Mr. Matthews,	no	>no	

So it passed in the negative.

Congress proceeded in the consideration of the first motion, which being amended by striking out sundry words:

On the question, *Resolved*, That the board of war be directed to forward the Virginia troops to join the southern army.

On motion of Mr. Livingston, seconded by Mr. Lovell,

*Resolved*, That a committee of three be appointed to confer with the board of war about the best method of conveying the troops of the Virginia line to join the southern army, by land or by means of any inland navigation, and take order thereon; the members chosen, Mr. Burke, Mr. Griffin, and Mr. Matthews.

*Resolved*, That a member be elected for the committee appointed to correspond with the commanding officer in the southern department, in the room of Mr. Marchant: the member chosen, Mr. Burke.

The election of Mr. Lewis, and his acceptance of the office of a commissioner of the board of admiralty, having vacated Mr. Floyd's seat at that board, both of them being from the same state:

On motion of Mr. Floyd,

*Resolved*, That a member be elected for the board of admiralty in the room of Mr. Floyd: the member chosen, Mr. Ellery.



*Resolved*, That all matters heretofore referred to the marine committee, be transmitted to the board of admiralty.

FRIDAY, *December 10, 1779.*

A report from the board of war was read ; Whereupon,

*Resolved*, That governor Jefferson be informed that Congress approve of the measures taken by the executive of the state of Virginia in sending to the post of Charlottesville, as guards to the convention troops, a new raised battalion of infantry, and a troop of light-horse of their state troops ; and that those troops be considered in continental service and receive continental pay and rations, while doing duty at the convention barracks :

That the board of war be directed to order the party of colonel Bland's regiment of light-dragoons now at Charlottesville, to proceed to South-Carolina forthwith and join the regiment there :

That Congress have every reason to be satisfied with the conduct, firmness and prudence evidenced by colonel Bland in his command at the convention barracks ; but as the state of his health and the situation of his private affairs will not permit him to remain in command at that post, general Washington be directed to appoint a successor in the command to colonel Bland, who shall immediately proceed to the post, and take upon him the direction of affairs there.

*Resolved*, That the resignation of colonel Bland be accepted.

Congress took into consideration the report of the committee, consisting of Mr. Morris, Mr. Matthews and Mr. Forbes, to whom was referred a letter of the 23d of September from J. Bradford ; Whereupon,

*Resolved*, That instructions be sent to the respective agents under the authority of these United States, that they do not in future on any consideration dispose of any part of the continental share of prizes, unless it be of such articles as are in a perishable state, without orders for that purpose.

SATURDAY, *December 11, 1779.*

Congress took into consideration the report of the committee, consisting of Mr. Gerry, Mr. Witherspoon, Mr. Morris, Mr. Matthews and Mr. Sherman, appointed to devise means for procuring supplies for the army ; and thereupon,

*Resolved*, That the legislature of the state of Virginia be requested to furnish, for the army of the United States, on or before the first day of April next, 20,000 barrels of Indian corn, and transport the same to such places within the said state as the commissary-general of purchases shall direct :

That the legislature of the state of Maryland be requested, in addition to the 15,000 barrels of flour heretofore required of them, to furnish for the army of the United States, on or before the first day of April next, 5000 barrels of flour and 5000 barrels of Indian corn :

That the state of Pennsylvania be requested to furnish, for the army of the United States, on or before the first day of April next, 50,000 barrels of flour, or wheat in proportion :

That the 10,000 barrels of flour, or wheat in proportion, heretofore requested from the state of Delaware by the committee of Congress, be furnished as soon as possible :

That 8000 barrels of flour be requested from the state of New-Jersey, part of which to be furnished as soon as possible, to answer the immediate demands of the army :

That the state of Connecticut be requested to furnish, for the army of the United States, 8000 barrels of flour.

*Resolved*, That the committee who brought in the report, be directed to confer with his excellency the president and supreme executive council of

Pennsylvania, in order to their carrying into execution the request of Congress made to their state:

That letters be written to the other states, requesting them immediately to proceed in furnishing the supplies.

*Resolved*, That the remainder of the report be postponed.

A letter, of this day, from the honourable the minister of France, was read, relative to the proceeds of the vessel captured by eight American seamen; Whereupon,

*Resolved*, That the minister of France be informed, that Congress approve the paying the money arising from the sale of the Grey-hound, which was captured by eight American seamen, to the captors or to their attorneys in equal shares; and that measures will be taken to convey intelligence to the said captors.

*Ordered*, That the said letter, together with his note on this subject, be referred to the delegates of Massachusetts-Bay and Rhode-Island.

MONDAY, December 13, 1779.

A memorial of Christ. Hele, was read, praying to be exchanged, and to have leave to go to New-York upon his parole for a few days, to procure a person in his room:

*Resolved*, That Mr. Hele be informed that the prayer of his memorial cannot be granted until captain Cunningham is released, as it has been determined that he must abide the fate of that officer.

A letter, of the 11th, from Charles Pope, lieutenant-colonel of the Delaware regiment, was read, praying leave to resign his commission:

*Resolved*, That his resignation be accepted.

*Resolved*, That a member be added to the board of treasury, in the room of Mr. Sharpe, who is absent: the member chosen, Mr. Floyd.

TUESDAY, December 14, 1779.

Mr. Penn, a delegate for North-Carolina, attended, and took his seat in Congress.

Congress resumed the consideration of the report of the committee on supplies, and thereupon came to the following resolution:

Whereas the aid of the several states is necessary in furnishing provisions for the army, and other supplies for carrying on the war; and justice requires that they be called upon to furnish their respective quotas at equitable prices:

*Resolved*, That all the states shall be called upon to furnish their quotas of such supplies as may, from time to time, be wanted for carrying on the war; and in making the requisitions, due care shall be taken to suit the convenience of the several states; and the articles by them respectively furnished shall be credited towards their quotas of the monies which they are called upon to raise for the United States, at equal prices for articles of the same kind and quality, and for others in due proportion; and the accounts shall be finally compared and adjusted so as to do equity to all the states.

On passing the foregoing resolution, the yeas and nays being required by Mr. Forbes,

<i>Mass'tts-Bay</i> , Mr. Gerry,	ay	}	ay	<i>New-Jersey</i> , Mr. Fell,	ay	}	ay
Lovell,	ay			Houston,	ay		
Holten,	ay			<i>Pennsylvania</i> , Mr. Searle,	ay	}	ay
Patridge,	ay			Muhlenberg,	ay		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	M'Clene,	ay	}	ay
<i>Connecticut</i> , Mr. Huntington,	ay			Shippen,	ay		
Sherman,	ay	}	ay	<i>Maryland</i> , Mr. Plater,	no	}	no
<i>New-York</i> , Mr. Livingston,	ay			Forbes,	no		
Floyd,	ay	}	ay	<i>N.-Carolina</i> , Mr. Burke,	ay	}	ay
L'Hommedieu,	ay			Jones,	ay		
				<i>S.-Carolina</i> , Mr. Matthews,	ay	}	ay

So it was resolved in the affirmative.

**WEDNESDAY, December 15, 1779.**

A report from the board of war was read ; Whereupon,

*Resolved*, That such of the Virginia troops whose times of service will expire by the last day of March next, and who incline to enlist for the usual bounties, to serve during the war, be permitted to go home on furlough till the first day of April next :

That such as do not incline thus to re-enlist, be ordered to rejoin the main army, except those whose times of service will expire by the last day of December instant, who are to be employed during the residue of their service as the board of war shall direct.

On motion of Mr. Houston, seconded by Mr. Gerry,

*Resolved*, That it be recommended to the legislative, or, where vested with competent authority, to the executive powers of such of the states where embargoes are in force, to continue the same ; and where embargoes are not in force, to lay them, to prohibit until the 1st day of April next, the exportation of the several articles mentioned and described in the resolution of Congress of the 21st of August last.

**THURSDAY, December 16, 1779.**

Mr. Ellsworth, a delegate for Connecticut, attended and took his seat in Congress.

A letter from the board of war was read, enclosing one from lieutenant-colonel Adams, requesting leave to take a voyage to the West-Indies, for the recovery of his health ; Whereupon,

*Resolved*, That a furlough for six months be granted to lieutenant-colonel Peter Adams, to enable him to take a voyage to the West-Indies, for the recovery of his health.

**FRIDAY, December 17, 1779.**

The board of treasury, to whom was re-committed their report on Mr. Milligan's letter, report,

That after maturely reflecting upon the ordinance for establishing a board of treasury, it appears evident to them that Congress intended the auditor-general and his assistant should examine the accounts and vouchers reported upon by the chambers of accounts, as a check ; which, in the opinion of the board, is of too much importance to be dispensed with, and in order that the intension of Congress may be fully complied with, the board beg leave to observe, that the assistant auditor general should not be confined to the posting of the books, as the ordinance directs, but that this duty be performed hereafter by a clerk properly qualified ; Whereupon,

*Resolved*, That the duty of keeping and stating the public books at the treasury be assignable, as often as necessary, to the first clerk in the auditor-general's office, that the assistant auditor-general may be the better enabled to attend to other parts of his duty.

On motion of Mr. Sherman, seconded by Mr. Burke,

*Resolved*, That a committee of five be appointed to obtain estimates of the supplies necessary to be procured for the use of the army for the year ensuing, in the commissaries' and quarter-masters' departments, and also for the support of the war, and report to Congress the quantities and kinds which each state ought to furnish as its quota thereof.

*Resolved*, That when the legislature of any state shall have undertaken to procure its quota of any of the articles required, all purchases of such articles by the commissaries and quarter-masters in such state be discontinued : the members chosen, Mr. Searle, Mr. Ellsworth, Mr. Burke, Mr. Livingston, and Mr. Griffin.

**SATURDAY, December 18, 1779.**

The committee, consisting of Mr. Livingston, Mr. Fell, Mr. Sherman, to

whom was referred a memorial of Stephen Moore, brought in a report, which being read and considered :

*Resolved*, That upon the said Stephen Moore producing a certificate from the quarter-master general of the quantity of wood cut on the farm mentioned in the said memorial, for the purpose of supplying the army with wood, or for the erecting of fortifications, and of the value thereof, Congress will make such compensation therefor as has been usually allowed in similar cases.

Congress resumed the consideration of the report of the committee, consisting of Mr. Matthews, Mr. Schuyler, Mr. Sherman, Mr. Gerry, Mr. Houston, to whom was referred general Washington's letter of the 18th of November last, and having amended a proposition so as to read,

" That for the ensuing campaign, the several states be required to furnish, by draughts or otherwise, on or before the 1st day of February next, the deficiency of their respective quotas of 80 battalions of infantry, as apportioned by a resolution of Congress of the 9th of March, 1779 :"

A motion was made by Mr. Forbes, seconded by Mr. Plater, to strike out the words " as apportioned by a resolution of Congress of the 9th of March, 1779 :"

And on the question, shall these words stand ? the yeas and nays being required by Mr. Forbes,

<i>N.-Hampshire</i> , Mr. Peabody, ay	ay	no	no	<i>New-York</i> , Mr. Livingston, ay	ay
<i>Mass'-s-Bay</i> , Mr. Gerry, ay	ay	no		Floyd, ay	ay
Lovell, ay	ay	no		L'Hommiedieu, ay	ay
Holten, no	no	no		Mr. Houston, ay	*
Patridge, no	no	no		Mr. Searle, ay	ay
<i>Rhode-Island</i> , Mr. Ellery, ay	ay	ay		M'Clene, ay	ay
<i>Connecticut</i> , Mr. Huntington, ay	ay	ay		Mr. Plater, no	no
Sherman, ay	ay	ay		Forbes, no	no
Ellsworth, ay	ay	ay		<i>N.-Carolina</i> , Mr. Burke, ay	ay
				Jones, ay	ay
				<i>S.-Carolina</i> , Mr. Matthews, ay	ay

So it was resolved in the affirmative.

A motion was then made by Mr. Gerry, seconded by Mr. Peabody, to add the words "excepting the state of Massachusetts-Bay, two of whose battalions shall be recruited by the state of Virginia :"

To which an objection was made as being out of order ; and on the question, is the motion in order ? the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire</i> , Mr. Peabody, ay	ay	ay		<i>New-Jersey</i> , Mr. Houston, no	*
<i>Mass'-s-Bay</i> , Mr. Gerry, ay	ay	ay		<i>Pennsylvania</i> , Mr. Searle, no	div.
Lovell, no	no	div.		M'Clene, ay	div.
Holten, no	no	div.		<i>Maryland</i> , Mr. Plater, no	no
Patridge, ay	ay	div.		Forbes, no	no
<i>Rhode-Island</i> , Mr. Ellery, no	no	no		<i>Virginia</i> , Mr. Griffin, no	*
<i>Connecticut</i> , Mr. Huntington, no	no	no		<i>N.-Carolina</i> , Mr. Penn, no	no
Sherman, ay	ay	no		Burke, no	no
Ellsworth, no	no	no		Jones, no	no
<i>New-York</i> , Mr. Livingston, no	no	no		<i>S.-Carolina</i> , Mr. Matthews, no	no
Floyd, no	no	no			
L'Hommiedieu, no	no	no			

So it was determined that the motion was not in order.

A motion was then made by Mr. Gerry, seconded by Mr. Peabody, to reconsider the question, shall the words moved to be struck out stand ? in order to add after " 1779," the following words, " excepting the state of Massachusetts-Bay, two of whose battalions shall be recruited by the state of Virginia :"

On the question for re-considering, the yeas and nays being required by Mr. Gerry,

<i>N.-Hampshire,</i>	Mr. Peabody,	ay	ay	<i>New-Jersey,</i>	Mr. Houston,	no	}	div.
<i>Mass'sts-Bay,</i>	Mr. Gerry,	ay	}	<i>Pennsylvania,</i>	Mr. Searle,	no		
	Lovell,	ay			M'Clene,	ay	}	no
	Holten,	ay		<i>Maryland,</i>	Mr. Plater,	no		
	Patridge,	ay			Forbes,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	<i>Virginia,</i>	Mr. Griffin,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	ay		<i>N.-Carolina,</i>	Mr. Penn,	ay		
	Sherman,	no			Burke,	no	}	no
	Ellsworth,	no	}		Jones,	no		
<i>New-York,</i>	Mr. Livingston,	no		<i>S.-Carolina,</i>	Mr. Matthews,	no		
	Floyd,	no	}				}	no
	L'Hommedieu,	ay						

So it passed in the negative.

Mr. Peabody, Mr. Gerry, and Mr. Lovell, then desired that their ayes on the first question be changed into noes, which was agreed to, the determination of the question not being thereby affected.

### TUESDAY, December 21, 1779.

A letter, of the 18th, from J. Laurence, judge-advocate general, was read ; Whereupon,

*Resolved,* That until the further order of Congress, the subsistence of a judge-advocate be the same as the present subsistence of a colonel ; and that the subsistence of a deputy judge-advocate be the same as the present subsistence of a lieutenant-colonel.

Whereas it is represented to Congress that the soldiers in the barracks near this city are not properly supplied with wood, and that great injury to the troops and to the citizens may arise therefrom :

*Resolved,* That the board of war immediately cause enquiry to be made into the truth of the above representation, and if it shall appear to them to be well founded, that they cause the barrack-master to be arrested and duly tried for his neglect, and in the mean time take effectual measures to provide wood for the troops in or near the city of Philadelphia.

A report from the board of war was read ; Whereupon,

*Resolved,* That commissions be granted to the officers of the company of artillery artificers attached to the artillery in the field, and bear date as follows, viz. that of Noah Nichols, captain, November 16, 1776 ; Thomas Patten, captain-lieutenant, March 1st, 1779 ; Bela Nichols, first-lieutenant, March 1st, 1779 ; Peter Sears, second-lieutenant, March 1st, 1779.

*Resolved,* That an express be sent to the state of Delaware, requesting them to procure, in part of their quota, as much flour as can be obtained within their state, the necessities of the army calling for their immediate and most strenuous exertions.

### WEDNESDAY, December 22, 1779.

A letter, of the 13th, from Lewis Dubois, colonel of the fifth New-York regiment, was read, praying for leave to resign his commission :

*Resolved,* That his resignation be accepted.

The board of treasury, to whom was referred the petition of Paul Fooks, praying an increase of his salary, brought in a report ; Whereupon,

*Resolved,* That Paul Fooks be allowed a salary of 2400 dollars per annum for acting as interpreter to Congress in the French and Spanish languages.

### THURSDAY, December 23, 1779.

The board of war, to whom was referred a letter of the 21st, from Mr. Hodgdon, field-commissary of military stores, brought in a report, which was taken into consideration ; and thereupon,

*Resolved,* That instead of the subsistence allowed by an act of Congress, of the 18th day of February last, to the officers in the department of the field

commissary of military stores, the following sums be allowed, viz. to the field commissary, 400 dollars per month; to a deputy field-commissary, 300 dollars; to a conductor 100 dollars; to a clerk 100 dollars; and that this increased subsistence commence on the 18th day of August last, and continue till the further order of Congress.

**FRIDAY, December 24, 1779.**

The board of war, to whom was referred a memorial of baron Beniowski, having reported thereon, Congress took their report into consideration; and thereupon,

**Resolved**, That the board of war inform baron Beniowski that the circumstances of the army will not admit of his being employed.

A report from the board of treasury was read; Whereupon,

**Resolved**, That Robert Patton, messenger, and William Hurrie, door-keeper of Congress, he in future allowed 20 dollars per day, until the further order of Congress,

The committee, consisting of Mr. M'Kean, Mr. Matthews, and Mr. Ellery, to whom was referred the letter of the 20th, from Dr. Morgan, brought in a report, which was taken into consideration; and thereupon,

**Resolved**, That on the trials of cases not capital before courts-martial, the depositions of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same, or that notice be given of the times and places of taking such depositions to the opposite party four days previous thereto, where the witness resides within the distance of thirty miles from such party, and six days where the witness resides above the distance of thirty, and not exceeding eighty miles, and a reasonable time for a greater distance.

On the question to agree to this resolution, the yeas and nays being required by Mr. Peabody,

<i>N. Hampshire</i> , Mr. Peabody,	no	no	<i>Pennsylvania</i> , Mr. Searle,	ay	ay
<i>Mass'tts-Bay</i> , Mr. Gerry,	ay	ay	M'Clene,	ay	ay
Holten,	ay	ay	<i>Delaware</i> , Mr. M'Kean,	ay	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	ay	<i>Maryland</i> , Mr. Plater,	ay	ay
<i>Connecticut</i> , Mr. Huntington,	ay	ay	Forbes,	ay	ay
Sherman,	ay	ay	<i>Virginia</i> , Mr. Griffin,	ay	*
Ellsworth,	ay	ay	<i>N.-Carolina</i> , Mr. Penn,	ay	ay
<i>New-York</i> , Mr. Floyd,	ay	ay	Jones,	ay	ay
L'Hommedieu,	ay	ay	<i>S.-Carolina</i> , Mr. Matthews,	ay	ay
<i>New-Jersey</i> , Mr. Fell,	ay	ay			
Houston,	ay	ay			

So it passed in the affirmative.

**Resolved**, That to encourage witnesses who do not belong to the army to attend on courts martial and give their evidence viva voce when required by the judge-advocate, the reasonable expenses of such witnesses shall be defrayed by the United States, and paid by the pay-master to the board of war and ordnance, being first adjusted by the said board.

**MONDAY, December 27, 1779.**

Congress took into consideration the report of the committee of the whole; and thereupon,

**Resolved**, That bills to the amount of £75,000 sterling of the money directed to be drawn for by a resolution of Congress, passed the 23d of November last, be sold at the rate of 25 dollars in continental bills of credit, for 4s. 6d. sterling, on condition that the persons purchasing the same lend to the United States a sum of money equal to the sum paid for the bills, for which they shall receive six per cent. per annum interest.



Congress took into consideration the report of the committee, consisting of Mr. Sherman, Mr. Forbes and Mr. Livingston, to whom was referred a letter from the president of the state of Pennsylvania, to the delegates of that state, dated the 15th of December instant, and thereupon came to the following resolution :

Whereas it appears to Congress, from the representation of the delegates of the state of Pennsylvania, that disputes have arisen between the states of Pennsylvania and Virginia, relative to the extent of their boundaries, which may probably be productive of serious evils to both states, and tend to lessen their exertions in the common cause : therefore,

*Resolved*, That it be recommended to the contending parties not to grant any part of the disputed land, or to disturb the possession of any persons living thereon, and to avoid every appearance of force until the dispute can be amicably settled by both states, or brought to a just decision by the intervention of Congress : that possessions forcibly taken be restored to the original possessors, and things placed in the situation in which they were at the commencement of the present war, without prejudice to the claims of either party.

Congress took into consideration the report of the committee on the post-office ; Whereupon,

*Resolved*, That the post-office be so regulated as that the post shall set out and arrive at the place where Congress shall be sitting twice in every week, to go so far as Boston, in the state of Massachusetts-Bay, and to Charleston, in the state of South-Carolina :

That all express-riders in the pay of the United States be discharged, and that no established express-rider be in future maintained at the public expense :

*Resolved*, That the three surveyors of the post-office be allowed the sum of 40 dollars a day, until the further order of Congress :

That as the duties of the post-master general and comptroller will henceforward be considerably increased by the above resolution, the salary of the post-master general be 5000 dollars per annum, and the comptroller's be 4000 dollars per annum.

*Ordered*, That the board of war and the quarter-master, his assistants and deputies in Philadelphia, be immediately informed of the aforesaid resolutions.

#### TUESDAY, December 28, 1779.

A letter, of November the 26th, from the president of New-Hampshire, was read, accompanied with a copy of "an act to allow appeals to Congress in certain maritime causes," passed by that state :

*Ordered*, That the said copy be referred to the committee on appeals.

A letter, of November the 29th, from the council of Massachusetts-Bay, was read, accompanied with the proceedings of a committee appointed by the legislature of that state "to investigate the causes of the failure of the expedition to Penobscot, and to examine into the conduct of the commanders by land and sea employed in the said expedition," &c.

*Ordered*, That the minutes of the said proceedings lie on the table for the perusal of the members.

A letter, of this day, from captain Galvan, was read, soliciting the rank of lieutenant-colonel in the army of the United States :

*Resolved*, That captain Galvan be informed his request cannot be complied with.

On motion of Mr. Forbes, seconded by Mr. Fell,

*Resolved*, That hereafter all applications for promotion in the army of the United States of America be made to the board of war, and all applications

for promotion in the navy to the board of admiralty, and that they report to Congress.

The board of treasury, to whom was referred a memorial of captain Joseph Baldesqui, pay-master to brigadier count Pulaski's legion, report,

That by a certificate of Messrs. Johnson and Howell, auditors of the main army, dated at West-Point, the 24th of August, 1779, accompanying the said memorial, it appears that captain Baldesqui has duly and regularly settled his accounts, as pay-master to count Pulaski's legion, to the first day of March last; and that on the whole of the evidence before the board, they are of opinion he has discharged his duty with strict integrity and honor:

*Resolved*, That Congress concur in the said report.

The committee on the post-office brought in a report, which was read; Whereupon,

*Resolved*, That the rate of postage, until the further order of Congress, be twenty prices upon the sums paid in the year 1775:

That single letters, directed to any officer of the line, and all letters directed to general officers or to officers commanding in a separate department, and all letters to and from the ministers, commissioners and secretaries of these United States at foreign courts, be free.

Congress took into consideration the report of the committee, consisting of Mr. Houston, Mr. M'Kean and Mr. Matthews, to whom was referred a letter of November the 2d, from the governor of Connecticut; and, thereupon,

*Resolved*, That Congress entertain a just sense of the great and effectual exertions of the state of Connecticut in the common cause, and of the readiness with which they have executed the measures recommended to them:

That as any alteration in the quotas established by the resolution of the 7th of October last, would probably be productive of confusion and embarrassment, it be recommended to the said state to raise the quota therein assigned to them, confiding that due attention will in future be paid to the circumstances mentioned in governor Trumbull's letter of the 2d of November last:

That Congress are earnestly disposed to do full justice to every state in the liquidation and allowance of all regular and necessary expenditures, and have established the means of adjusting and settling all accounts of the respective states with the United States, in order that due attention may be seasonably paid to that object; but cannot in the present critical posture of affairs, assent to the retaining of any part of the taxes raised for general use, as an example of that kind might involve the most fatal consequences:

That continental pay and rations, agreeably to the resolutions of the 2d and 6th of June, 1778, be allowed for the service of the militia which shall appear to have been necessarily employed for the defence of the said state, between the first day of April and first day of November last:

On passing the last of the foregoing resolutions, the yeas and nays being required by Mr. Forbes,

<i>Mass's-Bay</i> , Mr. Gerry,	ay	}	<i>Pennsylvania</i> , Mr. Searle,	ay	}
Lovell,	ay		M'Clene	ay	
Holten,	ay		Shippen,	ay	
Patridge,	ay		Mr. Plater,	ay	} div.
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	Forbes,	no	
<i>Connecticut</i> , Mr. Huntington,	ay		<i>N.-Carolina</i> , Mr. Penn,	ay	} ay
Sherman,	ay	} ay	Burke,	ay	
<i>New-York</i> , Mr. Floyd,	ay		Jones,	no	
L'Honmedieu,	no	} div.	<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
<i>New-Jersey</i> , Mr. Fell,	ay				
Houston,	ay	} ay			

So it was resolved in the affirmative.

**WEDNESDAY, December 29, 1779.**

A report from the board of war, on a memorial of lieutenant colonel Derick, being read,

*Resolved*, That in consideration of the peculiar circumstances attending the case of lieutenant-colonel Derick, that gentleman receive the pay and subsistence of a lieutenant-colonel in the army of the United States from the date of his brevet until the further order of Congress.

A report from the board of war, on a memorial of captain Baldesqui, was read; Whereupon, Congress came to the following resolution:

The circumstances of the corps lately commanded by general count Pulaski not now requiring a pay-master, and captain Joseph Baldesqui, its present pay-master, for that reason and from the situation of his private affairs, desiring leave to resign,

*Resolved*, That his resignation be accepted.

*Resolved*, That major-general Lincoln be empowered, if he shall think it for the good of the service, to reduce the corps lately commanded by brigadier count Pulaski, and to incorporate such of the men as remain, into such of the regiments of horse and infantry under his command, as he shall think proper; the men so incorporated to be, nevertheless, considered as part of the quotas of the states to which they belong.

Another report from the board of war, on a memorial of brigadier-general Muhlenberg, was read: Whereupon, Congress came to the following resolution:

Whereas Congress did, on the 19th day of March, 1778, resolve that general Washington call in and cancel the commissions of brigadiers-general Woodford, Muhlenberg, Scott and Weedon, and that new commissions be granted them, and that they rank in future agreeably to the following arrangement, Woodford, Muhlenberg, Scott, Weedon.

*Resolved*, That the arrangement made therein was founded upon principles not affecting the personal characters or comparative merits of those officers.

A report from the board of treasury, on a petition of Thomas Bentley, was read; Whereupon,

*Resolved*, That the case of the petitioner doth not differ from that of many others, whose application for compensation of damages have not been allowed, and that his request cannot be granted.

**THURSDAY, December, 30, 1779.**

Mr. Griffin, a delegate from Virginia, laid before Congress an exemplification of an act of the general assembly of that state, empowering any one of their delegates to give the vote of the state.

A report from the board of war, on a letter from Edward Williams, ensign in the 8th Virginia regiment, was read; Whereupon,

*Resolved*, That the resignation of ensign Edward Williams, of the 8th Virginia regiment, be accepted.

Mr. N. Folsom, a delegate for New-Hampshire, attended, and produced the credentials of his appointment, which were read.

**FRIDAY, December 31, 1779.**

A letter, of the 30th, from the honourable the minister plenipotentiary of France, and a memorial from Mr. Holker, were read, respecting a demand for damages to the owners of the ship Holy Martyrs, captured by an American privateer, and acquitted on an appeal:

*Ordered*, That it be referred to a committee of three: the members chosen, Mr. M'Kean, Mr. Ellery and Mr. Burke.

Congress resumed the consideration of the report of the committee respecting the commissary and quarter-master's departments, and made some progress therein:

On the question to agree to the following proposition :

That 1½ per cent. be allowed to each of the assistant purchasing commissaries upon all the purchases made within their respective states, out of which they shall pay all inferior deputies, and defray the whole expense attending such purchases: nor shall they or either of their deputies be entitled to rations or forage, except when called by the necessary business of their department to attend the army, in which case, they shall be permitted to draw rations for themselves and one servant each, and forage for two horses.

And whereas, the payment of commissions is, on the one hand, necessary, in order to apportion the wages of the officer to the business that passes through his hands, while, on the other, the increased prices at which provisions are sometimes necessarily laid in, may subject them to unjust censure :

That all commissions on the produce of the country shall be rated in continental bills of credit at 20 for 1 on the price at which such produce sold in the year 1774, and at 30 for 1 on all foreign commodities."

A division was called for, and the yeas and nays being required by Mr. M'Clene, on the first paragraph, for granting commissions, rations and forage in certain cases :

<i>N. Hampshire</i> , Mr. Peabody	no	}	no	<i>New-Jersey</i> , Mr. Fell,	no	}	no
Folsom,	no			Houston,	no		
<i>Mass's-Bay</i> , Mr. Gerry,	no	}	no	<i>Pennsylvania</i> , Mr. Searle,	ay	}	div.
Holten,	no			M'Clene,	no		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Delaware</i> , Mr. M'Kean,	no	}	no
<i>Connecticut</i> , Mr. Huntington,	no			<i>Maryland</i> , Mr. Plater,	no		
Sherman,	ay	}	ay	Forbes,	ay	}	div.
Ellsworth,	ay			<i>Virginia</i> , Mr. Griffin,	ay		
<i>New York</i> , Mr. Livingston,	ay	}	ay	<i>N-Carolina</i> , Mr. Penn,	ay	}	div.
Floyd,	ay			Burke,	no		
L'Hommedieu,	ay			<i>S. Carolina</i> , Mr. Matthews,	no	}	no

So it passed in the negative.

SATURDAY, January 1, 1780.

The delegates for Massachusetts-Bay produced credentials of their appointment, which were read.

*Resolved*, That 30 dollars a day be allowed to Robert Jewell, keeper of the new gaol in Philadelphia; 20 dollars a day to each of his assistants; and ten dollars a day to his turnkey; in full of their services and subsistence, until the further orders of Congress.

*Resolved*, That the commissary-general of purchases be allowed a salary at the rate of 40,000 dollars by the year, until the further order of Congress; also six rations a day, and forage for four horses.

*Resolved*, That an assistant-commissary be appointed by the commissary-general to each of the states in which it shall be necessary that purchases be made under him, and in which provision shall not have been made by the states respectively for furnishing the necessary supplies.

That the said assistant-commissaries be allowed on all good merchantable articles which may be purchased by them, or under their direction respectively, two per cent. on 20 fold the prices they were sold at in the year 1774, until the further order of Congress; out of which they shall pay all their agents, and defray the whole expense attending such purchases: nor shall they, nor any of their agents, be entitled to rations or forage, except when called by the necessary business of their department to attend the army.

And in order the better to ascertain such prices,

*Resolved*, That the executive power of every state be requested to return to the board of treasury a list of the commodities usually sold within such

state, and the price current in the year 1774 ; and that copies of such lists be furnished from thence to the commissary-general and his assistants :

That the commissary-general be directed to keep regular accounts, in which he shall charge all persons belonging to his department with the money advanced to them, and give them credit for the purchases made by them, entering their respective accounts at large ; that he check all accounts within his department, and reject improper charges ; direct the manner in which the accounts of his respective deputies shall be kept, ordering the articles purchased to be entered under distinct heads, so that the expenditures for each separate article may be seen at one view ; that he shall, once in every three months, or oftener if required, exhibit a fair and comprehensive view of the state of his purchases, in columns, the manner in which the same has been expended, and the stock on hand, with the price of each article, and the state, county, and district in which purchased :

That every assistant-commissary make monthly returns to the commissary-general of the articles purchased, the price, the name of the agent by whom the same were bought, and the persons to whom delivered ; or, if still on hand, at what place stored :

That no money be advanced to any assistant commissary until he has made such returns, and accounted for money received, rendering to the commissary-general receipts from his agents for the money advanced to them :

That every assistant-commissary call upon his agents for monthly returns of their expenditures ; without which returns no further sums be advanced to them ; but that they be sued to account for the money in their hands :

That the commissary-general of issues be, and he is hereby directed, to make monthly returns of the number of rations issued, to what persons, and at what place, to the board of war, in order to take their direction as to the continuing such issues.

#### MONDAY, *January 3, 1780.*

*Resolved*, That the sum of 96 dollars be allowed to Andrew Harper, for his services from August the 1st, to December the 11th, 1779 ; he being during that period employed in extra duty by gen. Hogan, while commanding in Philadelphia.

*Resolved*, That the board of treasury publish the determination of Congress with respect to the drawing of bills of exchange, agreeable to the resolution of the 27th of December last ; the terms upon which they are to be sold, and the time on which they will be ready for sale, together with the names of the persons appointed to dispose of the same.

#### WEDNESDAY, *January 5, 1780.*

*Resolved*, That a member be added to the committee on appeals, in the room of Mr. Paca, who is absent : the member chosen, Mr. Ellsworth.

#### FRIDAY, *January 7, 1780.*

*Resolved*, That the commissary-general of purchases be empowered to appoint an assistant, whose duty it shall be to remain at head-quarters and receive the directions of the commander in chief and the commissary-general.

That the said assistant be allowed a salary at the rate of 10,000 dollars per annum, two rations a day, and forage for one horse, until the further order of Congress.

That the coopers, butchers, packers, drovers and superintendents of cattle, be under the regulations and directions formerly established by resolutions of Congress :

That a letter be written to the governor of Connecticut, representing the apprehensions of Congress on account of the small supply of beef, and requesting the immediate aid of the legislature of that state to the commissary-general or his assistants, in procuring and forwarding the same ; the ex-



pense of which Congress will find means to defray, or credit to the state, in part of their quota of supplies.

A representation from the supreme executive council of the state of Pennsylvania, respecting the barracks near the city of Philadelphia, and the barrack-master's department, was laid before Congress :

*Ordered*, That it be referred to the board of war, and that they be directed to discharge immediately the supernumerary officers in the barrack-master's department, and take further order thereon.

*Resolved*, That when expresses are wanted for forwarding despatches from Congress, or any of their committees, application be made to the board of war ; who are to provide the same :

*Ordered*, That the committee of commerce dispose of the sugar and coffee in their possession in this city, in such manner as they shall deem most for the public interest.

*Resolved*, That until the further order of Congress, the surveyors of the post-office be allowed their reasonable expenses in travelling the roads ; an account of such expenses to be rendered every three months to the post-master general, upon oath ; and that a late resolution of Congress, giving 40 dollars a day, be repealed.

SATURDAY, *January 8, 1780.*

*Resolved*, That the resignation of lieutenant Joseph Hite, of the 8th Virginia regiment, be accepted.

*Resolved*, That every officer in the army of the United States, whose duty requires his being on horseback in time of action, be allowed a sum, not exceeding the average price given at the time in the department or place where the accident shall happen, for horses purchased for private dragoons, as a compensation for any horse he shall have killed in battle : this resolution to have retrospect as far as the 1st of January, 1779 ; and the quarter-master general, or his deputy, is hereby authorized to pay the value of such horses, not exceeding the said price, to the respective sufferers, on the facts being properly authenticated.

*Resolved*, That the four Georgia regiments be reformed, and no more officers retained in the service than are necessary for two regiments.

That the commanding officer of the southern army establish some equitable rule for the arrangement of the said officers ; and such as are left out of the arrangement be deemed supernumerary, agreeably to the rules adopted by the main army, and entitled to the benefits allowed by the resolution of the 24th of November, 1778 :

That such of the officers as are retained in service shall be employed, until the regiment can be recruited, in such way as the said commanding officer shall deem most conducive to the public interest :

That the Georgia officers of the galleys and of the light dragoons, who are on continental establishment, be considered as supernumeraries.

*Resolved*, That the marines of the navy of the United States, whilst doing garrison duty, be allowed the same subsistence monies as are allowed to the officers and soldiers of the line of the army by the resolution of Congress of the 18th of August, 1799.

MONDAY, *January 10, 1780.*

*Resolved*, That major general Charles Lee be informed, that Congress have no further occasion for his services in the army of the United States.

WEDNESDAY, *January 12, 1780.*

*Resolved*, That such of the Virginia troops as, by a resolve of the 15th of December last, were required to return and join the main army, be marched by their officers to the state of Virginia, and there discharged : a change of circumstances rendering their junction with that army unnecessary : except



such number of those whose times of inlistment will latest expire as shall be deemed necessary to be employed as guards by the board of war.

*Resolved*, That the board of war be directed to order twelve dragon horses to be delivered to colonel Armand, for the use of his corps: the said horses to be taken from those already purchased for the public use, and not otherwise necessarily employed.

*Resolved*, That Mr. Galvin receive the commission of major in the army of the United States, and be employed in the inspectorship, as the commander in chief shall direct.

The committee to whom was referred the letter of the 5th instant from general Washington, inclosing a letter of the 3d from Royal Flint, assistant-commissary, and one of the 4th from brigadier-general Irwine, brought in a report; Whereupon,

*Ordered*, That a copy of the said letters, as far as they respect the distress of the army from the want of provisions, be sent, with all possible despatch, to the legislatures, or, in their recess, to the supreme executive councils of the states of Connecticut, New-York, Pennsylvania, and Delaware; and that they be respectively urged, in the most pressing manner, to send immediate supplies of provisions to the army.

*Resolved*, That the mustering department be discontinued, and the officers thereof discharged.

And whereas the commissary-general of musters has approved himself a good and faithful officer, and those who have been employed under him have given satisfaction in their offices:

*Resolved*, That the said commissary-general of musters, and those officers who have continued in that department under him for eighteen months last past, shall be entitled to receive a sum equal to their pay respectively for the terms of twelve months from this day.

*Resolved*, That in future the business of mustering the troops be performed by the inspectors of the army, in such manner and under such regulations as the commander in chief shall direct; who is hereby authorized to make the arrangements, reporting the same to Congress.

#### THURSDAY, January 13, 1780.

A letter of the 4th, from general Washington, was read, accompanied with sundry papers relative to a proposed exchange of prisoners of war; Whereupon,

*Resolved*, That all the powers granted to general Washington, by the resolution of the 5th of March, 1779, respecting the exchange of prisoners, be, and they are hereby renewed and confirmed.

*Ordered*, That the papers accompanying the general's letter of the 4th be returned to him.

*Resolved*, That it be recommended to the executive authorities of the several states, to transmit with all possible expedition to general Washington, the names and rank of all officers; and the number of privates belonging to the enemy, held as prisoners of war within their respective states, and the places they are at, in order that they may be included in the general exchange, should a cartel be agreed to, between the commanders in chief of the American and British armies.

Many inconveniences attending the present management of prisoners of war, and great dissatisfaction having arisen from the mode of exchanging them heretofore used, from the partialities inevitably attending the same, while conducted under various directions by divers commissaries independent of each other; and sufficient provision not being made for their security, in many cases frequently occurring:

*Resolved*, That all prisoners of war, whether captivated by the army or navy of the United States, or by the subjects, troops, or ships of any particu-

lar state, shall be delivered into the care and custody of the commissary-general of prisoners, his deputies or assistants, and be deemed and treated, in all respects, as prisoners of war to the United States :

That it be earnestly recommended to the governments of the respective states, that they make no exchanges of prisoners ; to the intent, that all exchanges may be made through the commissary-general of prisoners, by direction of Congress or the commander in chief, or board of admiralty ; and when prisoners are taken by the particular subjects, troops or vessels of any state, not in the service of the United States, or by private ships or vessels of war, fitted out in any particular state, these shall be first exchanged, so far as is necessary, for the subjects or inhabitants of the same state, taken by the subjects, adherents, ships or vessels of the enemy ; and the overplus, if any, shall go towards redeeming the prisoners in the hands of the enemy ; without regard to their being subjects or inhabitants of any particular state :

That all masters or commanders of private ships or vessels of war, shall take the utmost care to bring into port all prisoners captivated by them. And if from necessity they shall be obliged to dismiss any prisoners at sea, they shall, on return from their cruise, make report thereof, on oath, to the judge of the admiralty of the state to which they belong, or in which they arrive, within 20 days after their arrival, with their reasons for such dismissal. And if the judge shall not be satisfied with the reasons assigned, or if it shall appear that the prisoners were discharged to avoid the trouble or expense of bringing them into port, and delivering them into custody, or in any wise unnecessarily, then the judge shall transmit an account thereof to the executive of the state, who are requested to examine into the matter, and vacate the commission granted to the said delinquent master or commander of the ship or vessel, if they are of opinion that such dismissal was improper :

That all prisoners of war captivated by private ships or vessels of war, be delivered by and at the expense of the masters or owners of such ships or vessels, to a commissary of prisoners nearest the place of their landing, or into the nearest county gaol, on pain of forfeiture of the commission granted to such private ship or vessel :

That on such delivery of the prisoners into the gaol, the gaoler shall be obliged to inform the government of the state wherein the said prisoners are landed ; or, in case of their residence at too great a distance, the lieutenant or commanding officer of the militia of the county wherein such prisoners are landed, the commissary-general of prisoners or his deputy ; that if the said prisoners are not deemed by the executive of the state, or the said commanding officer of the militia, to be in a place of sufficient security, they may be removed under proper guards to a place or places of greater safety at the expense of the United States. And the executive powers of the respective states are requested to give the necessary orders to the commanding officers of militia on this subject, and to pay the expenses of escorting and transporting the prisoners ; charging the same to the United States. The said executives are also requested to give orders to the officers of their militia, to take immediate charge of all prisoners of war captivated by the ships and vessels of war, belonging to the United States or to any particular state, and to convey them, at the expense of the United States, to the nearest commissary of prisoners, or to the county gaol ; and also direct the like steps to be taken in regard to their removal to places of greater safety, as is provided in the case of prisoners captured by private vessels :

That it be recommended to the legislatures of the respective states, effectually to provide, at the expense of the United States, for the delivery and safe keeping of all prisoners captivated by their respective subjects, out of vessels stranded or cast on shore on their coasts, obliging the parties taking prisoners, to deliver them to the nearest commissary of prisoners or into the

nearest gaol, in case no commissary of prisoners is stationed within convenient distance of the place of capture; and in case of neglect or misconduct in the persons so taking the prisoners, that they forfeit all right to the vessel, her tackle, apparel and furniture so cast on shore, or the property they may save, or be otherwise entitled to out of such vessel; or imposing such other penalty as the said legislatures shall respectively think proper:

That it be recommended to the said legislatures to provide and direct, that all gaolers receive and deliver prisoners of war, without charging any fee or reward to the persons delivering them into or taking them by proper authority out of their custody. The reasonable expenses of supporting such prisoners in gaol, to be paid by the government of the state wherein they shall be confined, and charged to the United States; except where they can and shall be otherwise provided for by the proper officer in the service of the United States. And the gaoler shall transmit a copy of his charges against the United States, for account of prisoners of war, to the commissary-general of prisoners, or his nearest deputy, when any prisoners leave the gaol, either for removal to places of greater security, or for exchange:

That prisoners of war, either on their march, or in confinement, be furnished with only two-thirds of a soldier's ration:

That none but sick or wounded prisoners be allowed carriages at public expense:

That all prisoners on parole pay their own expenses; and such expenses shall be paid before they shall be exchanged:

That all officers, prisoners of war to the United States, unless in hospitals, pay their physicians, surgeons and attendants:

That the commissary-general of prisoners and his deputies, make regular monthly returns, to the board of war, of the numbers, situation and exchanges of all prisoners under their charge; and that they also give the said board such occasional information, of all material transactions in their department, as circumstances from time to time render necessary, or when they shall be required by the board so to do, under pain of being suspended or dismissed by the said board:

That all exchanges of prisoners made in consequence of the foregoing resolutions, shall be soldier for soldier and sailor for sailor.

Whereas brigadier-general du Portail and colonel Laumoy, and lieutenant-colonel de Gouvion, have continued in the service of the United States pursuant to a resolution of Congress of the 1st of January, 1779, and under a permission from the minister plenipotentiary of his most Christian majesty, and have obtained from the commander in chief ample testimonials of honorable and useful services rendered during the last campaign:

*Resolved*, That brigadier-general du Portail and messieurs Laumoy and Gouvion be retained in the service of the United States (if permission can be obtained for that purpose from his most Christian majesty or his minister plenipotentiary) so long, during the present war, as shall be consistent with their inclinations and duty as officers to their king:

That the board be directed to confer with the minister of France on the subject, and inform general du Portail and messieurs Laumoy and Gouvion of the result of such conference.

*Resolved*, That the commander in chief be authorized to order so many expresses to be retained in the public service as he may judge necessary for the immediate purposes of the army.

*Resolved*, That the board of treasury be directed to report proper salaries for such officers of the United States as have acted without stipulated allowances; and also what denominations of officers are entitled, by resolutions of Congress, to receive commissions, and at what rate, on the sums which they have respectively negotiated.

Whereas by the eleventh article of the treaty of amity and commerce between his most Christian majesty and the United States of America, it is provided, that, "the subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the Droit d' Aubaine, or other similar duty, under what name soever: they may, by testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good; and their heirs, subjects of the said United States, residing, whether in France or elsewhere, may succeed them, ab intestat, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities or private persons: and the said heirs, whether such by particular title, or ab intestat, shall be exempt from all duty, called Droit de Detraction, or other duty of the same kind; saving, nevertheless, the local rights or duties, as much and as long as similar ones are not established by the United States or any of them: The subjects of the most Christian king shall enjoy, on their part, in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article; but it is agreed, at the same time, that its contents shall not affect the laws made or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigor; and the United States, on their part, or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper.

*Resolved*, That it be recommended to the legislatures of the several United States to make provision, where not already made, for conferring like privileges and immunities on the subjects of his most Christian majesty, agreeable to the form and spirit of the above recited article.

**SATURDAY, January 15, 1780.**

*Resolved*, That Mr. Laudiman be appointed to the rank of lieutenant in colonel Armand's corps; his commission to bear date from the 1st day of June, 1779; the date of his brevet:

That Mr. Buffault, who, on the 13th of January, 1779, was appointed to the brevet rank of lieutenant in the army of the United States, receive a commission of lieut. in col. Armand's corps, to bear the date of his brevet:

That Christian Bryman be appointed to the rank of cornet in colonel Armand's corps.

*Resolved*, That a court be established for the trial of all appeals from the courts of admiralty in these United States, in cases of capture, to consist of three judges, appointed and commissioned by Congress, either two of whom, in the absence of the other, to hold the said court for the despatch of business:

That the said court appoint their own register:

That the trials therein be according to the usage of nations and not by jury:

That the said judges hold their first session as soon as may be at Philadelphia; and afterwards at such times and places as they shall judge most conducive to the public good, so that they do not at any time sit further eastward than Hartford, in Connecticut, or southward, than Williamsburg, in Virginia:

That the salary of the said judges be fixed on the first Monday in July next; and that in the interim the sum of 12,000 dollars be advanced to each of them.

*Resolved*, That Saturday next be assigned for electing the judges of the court of appeals; and that in the mean while nomination be made.

**MONDAY, January 17, 1780.**

The board of treasury, to whom was referred an application of Asa Wor-

thington, employed as inspector of cattle in the department of the commissary-general, from the 18th day of November, 1778, to the 15th of January, 1780, brought in a report; Whereupon,

*Resolved*, That in addition to his pay, of 4 dollars per day, the said Asa Worthington be allowed the sum of 3940 dollars, in compensation for his services and expenses to this date; and that a warrant issue on the treasurer, in his favor, for that sum.

The board of war, to whom was referred the letter of the 17th of December last, from gen. Washington, relative to monsieur Hyacinthe la Motte, brought in a report; Whereupon,

*Resolved*, That the expediency of continuing monsieur la Motte in his present employment, be referred to the honorable council of Massachusetts-Bay; who are requested to adjust and settle the accounts of the said monsieur la Motte, at continental expense; and if they deem his continuance unnecessary, to discharge him from any farther service; and that the council be informed, that the board of war have advanced monsieur la Motte 3000 dollars, on account of his pay.

*Resolved*, That the commissary-general of purchases be allowed two clerks, to be by him appointed.

That each of the said clerks be allowed the same salary as clerks of the board of treasury.

#### TUESDAY, January 18, 1780.

The board of treasury, to whom was referred a petition of John Streeper, praying compensation for the loss of a house, accidentally burnt by a picket guard of the American army, in December, 1777, report,

That as Congress have frequently decided the compensation for damages ought not to be partially made, but must be postponed to the end of the war, to be then taken into consideration, the board cannot report in favor of the said petitioner; but think his petition ought to be deferred for the present:

*Resolved*, That Congress agree to the said report.

#### THURSDAY, January 20, 1780.

*Resolved*, That three commissioners, one of whom to be a member of Congress, be appointed to enquire into the expenses of the staff departments, and the means of retrenching the same; that they, or any two of them, be authorized to enquire, by inspection or otherwise, concerning the several posts or places where officers of the staff are stationed; and to require of them any information relative to their respective departments; to discharge supernumerary and delinquent officers and men of the said departments; to break up unnecessary posts, and to establish posts where requisite; to stop all issues of rations and other supplies not indispensibly necessary for the service; that they repair to head-quarters, and that they, or any two of them, be authorized, in conjunction with gen. Washington, to reduce the number of horses and wagons employed in the army, and to adopt the cheapest and most certain method of transportation; and any other measures for promoting economy in the said departments:

That, for the present, they be empowered to stop all issues of rations of every kind, for three months, due to persons not in camp, who can be otherwise supplied than from the public stores; and to report the sum to be paid for the rations so stopped:

That they report such arrangements, in any or all of the said departments, as they may judge expedient; having regard to the resolutions of Congress of the 14th and 17th of December last:

That the department of the barrack-master general be abolished, and that



he be called to an immediate account for the money advanced him by the United States.

*Resolved*, That to-morrow be assigned for electing the commissioners.

**FRIDAY, January 21, 1780.**

According to order, Congress proceeded to the election of commissioners; and the ballots being taken, Mr. Schuyler and colonel Pickering were elected.

**SATURDAY, January 22, 1780.**

The board of admiralty having laid before Congress a return of the officers of the navy:

*Ordered*, That the same be referred back to the board, and that they report on the expediency of stopping pay and rations or subsistence to all officers and mechanics of the admiralty not in actual service; preserving to the former their rank in the navy.

Congress proceeded to the election of another commissioner; and the ballots being taken, gen. Thomas Mifflin was elected.

Congress proceeded to the election of judges of the court of appeals; and the ballots being taken, the president informed Congress, that Mr. Wythe, Mr. Paca and Mr. Hosmer, were duly elected; Mr. Hosmer and Mr. Paca having an equal number of votes.

**MONDAY, January 24, 1780.**

A letter from the honorable the minister plenipotentiary of France, was read, informing, that he has appointed monsieur D'Anmour consul of France for the state of North-Carolina, and inclosing his commission for that purpose.

*Resolved*, That Congress approve the same: that the commission be registered, and notice given to the governor of North-Carolina.

Congress being informed of great abuses in the quarter-master's department, at Martinsburgh, in Virginia;

*Resolved*, That the board of war be empowered to appoint suitable persons to enquire into the said abuses, and to make the proper retrenchments and reformatations.

**TUESDAY, January 25, 1780.**

Mr. A. Clark, a delegate for the state of New-Jersey, attended and produced the credentials of his appointment, which were read.

The board of admiralty, to whom was referred the return of the officers of the navy of the United States, brought in a report; Whereupon,

*Resolved*, That the pay of all officers of the navy, not in actual service, cease from this day:

That such officers retain their rank, depositing their commissions in their respective navy boards until they shall be called into actual service.

**THURSDAY, January 27, 1780.**

Mr. Vandyke, a delegate from Delaware, attended and produced the credentials of the delegates of that state, which were read.

A letter, of this day, from major Eustace, was read, requesting leave to resign:

*Resolved*, That his resignation be accepted.

*Resolved*, That the treasurer, the commissioners of the board of war, the commissioners of the chambers of accounts, the commissioners of the navy boards, the secretaries of the board of treasury and of the board of war, the assistant auditor-general, and the clerks of the board of treasury, board of war, chambers of accounts, treasurer, auditor-general, and of the secretary of Congress, be entitled to receive, in lieu of every other allowance, from the



2d day of November, 1778, or from the dates of their appointments, if elected after that time, the same salaries as are allowed them respectively by a resolution of Congress of the 23d of October, and one of the 12th of November, 1779:

That the pay of John Gibson, esq. for his services whilst auditor-general, be as follows ; from the 9th of December, 1776, the time of the last adjustment of his account, to the 16th of October, 1778, at the rate of one thousand seven hundred and fifteen dollars per annum ; from the date last mentioned, to the 2d of November, 1778, at the rate of 3430 dollars per annum ; and from thence to the 25th of November, 1779, at the rate of 12,000 dollars per annum :

That the pay of the secretary of Congress be as follows : from the 10th of February, 1778, the date of the last settlement of his account, to the 16th of October following, at the rate of 2000 dollars per annum ; from the time last mentioned to the 2d of November, 1778, 4000 dollars per annum ; and from and after that day until the further order of Congress, at the rate of 14,000 dollars per annum :

That the salary of the secretary of the marine committee be, from the 2d of November, 1778, at the rate of 8000 dollars per annum, until he was appointed secretary to the board of admiralty :

That the pay of the clerks of the commercial committee, the clerk of the navy board of the middle district, and the secretary of ordnance and paymaster to the board of war and ordnance, from the 20th of November, 1778, or from the dates of their appointments, if elected after that time, be at the rate of 8000 dollars per annum respectively, until the further order of Congress :

That William Story, having performed the service of clerk and paymaster to the navy board of the eastern district, be entitled to receive, from the 2d of November, 1778, in lieu of every other allowance, at the rate of 8000 dollars per annum, until the further order of Congress :

That the salary of the treasurer of loans, from the 2d of November, 1778, be the same as that of a commissioner of the chambers of accounts, until the further order of Congress ; in full of all services in the said office :

That the accounts of the said officers be forthwith adjusted and closed.

*Resolved*, That all issues of articles in the department of the commissary-general of issues, made in pursuance of a resolution of Congress of the 2d of October, 1777, be discontinued :

That the medical committee, as soon as they shall judge convenient, give directions for removing the hospitals in or near Philadelphia, to some other place, where wood and other necessities may be procured on more reasonable terms than in the city aforesaid :

That the issuing-commissaries be respectively directed not to deliver rations, or parts of rations, to any hospital-commissary, unless on returns signed by him and countersigned by the principal physician or surgeon of the respective hospitals, specifying the names and stations of the persons for whom, and for what time, the rations are drawn ; and that the hospital-commissary be also required to annex to each return the receipts of the persons to whom he shall have delivered the provisions drawn on the last return :

That the commissary-general of issues direct the form of the returns and receipts aforesaid.

FRIDAY, *January* 28, 1780.

Whereas the drawing of the blanks as well as the prizes in the second class of the United States' lottery, has been attended with great and unnecessary expense and delay, and the drawing of the prizes only is equally secure and advantageous to the adventurers ; therefore,

**Resolved**, That the board of treasury be authorized to direct the managers of the United States' lottery to draw the prizes only, in the third class of the said lottery; and that in case any of the tickets should remain unsold at the commencement of the drawing, to continue the sale in the place where the lottery is drawn, under the direction of the said board.

**Resolved**, That a secretary be not allowed to the navy board in the middle district; but that Mr. J. Pennel be clerk and pay-master to the said board, with his former salary of 8000 dollars per annum.

**MONDAY, January 31, 1780.**

**Resolved**, That Congress are impressed with a high sense of the attachment and zeal of the magistrates and inhabitants of the state of New-Jersey, in the common cause; and of their ready and effectual exertions in providing and furnishing the army, under his excellency the commander in chief, with provisions, at a time when the difficulty of transportation rendered such exertions absolutely necessary.

**WEDNESDAY, February 2, 1780.**

A letter, of January 30, from gen. Washington, was read, inclosing a letter from major-general Greene, quarter-master general, and the proceedings of the general court-martial on the trial of major-general Arnold:

**Ordered**, That Monday next be assigned for considering the proceedings aforesaid.

**Resolved**, That the commission to the judges of the court of appeals be as follows:

The United States of America in Congress assembled, to the honorable greeting:

Know you, that, reposing special trust and confidence in your learning, prudence, integrity, and abilities, we have assigned, deputed, and appointed you one of our judges of our court of appeals, to hear, try, and determine all appeals from the courts of admiralty, in the states respectively, in cases of capture, which now are, or hereafter may be duly entered and made in any of the said states; and to do generally all those things that you are or shall be authorized and empowered by Congress to do and perform, and which shall be necessary for the execution of the said office, according to the law and usage of nations and the acts of Congress; to have, hold, exercise, and enjoy, all and singular, the powers, authorities, and jurisdictions aforesaid; and also the privileges, benefits, emoluments, and advantages to the said office belonging, or in any wise appertaining. Witness, his excellency SAMUEL HUNTINGTON, esq. president of Congress, at Philadelphia, the day of \_\_\_\_\_ in the fourth year of our independence, and in the year of our Lord one thousand seven hundred and eighty.

**FRIDAY, February 4, 1780.**

Mr. John Collins, a delegate from Rhode-Island, attended and took his seat in Congress.

**MONDAY, February 7, 1780.**

Mr. Samuel Livermore, a delegate from New-Hampshire, attended and produced the credentials of his appointment, which were read.

In pursuance of a recommendation of brigadier-general Huger, dated April, 1779,

**Resolved**, That the Rev. Henry Purcell be appointed chaplain to the brigade commanded by said brigadier-general Huger, and entitled to the emoluments of the said office, from the 7th day of April, 1779.

A letter, of January 2d, from Nathaniel Mumford, was read, signifying his acceptance of the office of commissioner of the chamber of accounts.

The delegates of Massachusetts-Bay laid before Congress their commission and instructions, which were read.

A representation from Peter Alcott and Bazaleel Woodward, styling themselves agents from the greater part of the towns in the northern district of the New-Hampshire Grants, on both sides of Connecticut river, and between the heights of land on the two sides, accompanied with a paper, signed "Joseph Marsh, chairman of said convention," purporting to be powers granted them by a convention of members from the towns aforesaid, were read.

An act of the legislature of the state of New-Hampshire was laid before Congress and read, as follows :

**"STATE OF NEW-HAMPSHIRE :**

**"In the year of our Lord one thousand seven hundred and seventy-nine.**

**An act for complying with and carrying into effect the recommendations contained in certain resolutions of the Congress of the United States of America, of the 24th of September, and 2d of October, 1779.**

**"Whereas the Congress of the United States of America did, on the 24th day of September last past, unanimously enter into certain resolutions, in the words following, namely, (here the resolutions are entered at full length) and whereas also the said Congress of the United States of America did, on the 2d of October last, unanimously enter into a certain resolution, in the words following, namely, "whereas in the first resolution of Congress, of the 24th of September," &c. (the whole resolution being recited) and whereas the afore-recited resolutions and recommendations are founded in equal justice and true policy, and have for their object the establishment of perpetual harmony, friendship and mutual confidence between the states therein named, which is no less the desire than interest of this state to promote : be it therefore enacted, that all the powers and authorities which it is recommended to or requested of this state, in and by the said resolutions, to vest in or grant to the said Congress, shall be and hereby are vested in and granted thereto, as fully and amply as if the same were herein again particularly enumerated and described ; and that the decisions and determinations which shall be made in the premises, in pursuance of the powers and authorities hereby granted, shall be obligatory on this state, and the people thereof, so far as the said decisions and determinations, or any or either of them, shall respect the same or any part thereof. And further, that this act shall always be construed in a sense most adapted to advance the design, true intent and meaning of the said resolutions. And be it further enacted by the authority aforesaid, that no advantage shall be taken by this state of the non-performance of any of the conditions in any of the grants of land in the said resolutions referred to ; but that further time be given to fulfil the same respectively, to wit, until the expiration of six years, to be computed from the publication of this act.**

**"And be it further enacted, by the authority aforesaid, that Samuel Livermore, esq. with the delegates of this state at the Continental Congress, for the time being, or either of them, be and they are hereby fully authorized and empowered to appear as agent or agents for this state, and to represent the same before the said Congress, or any court or commissioners appointed by Congress to hear and determine any or all the disputes aforesaid."**

**Resolved,** That the commissary-general of musters, his deputies and muster-masters, be allowed 100 dollars per month for each detained ration, from the 18th of August last to the 12th of January last, when the department was discontinued, in like manner as officers in the line.

**Resolved,** That the officers attached to the companies of sappers and miners be commissioned, and rank as follows :

Mr. Nevin, captain, April 25th, 1779 ; Mr. Bebee, Mr. Murray, Mr. Du Veil, captains ; Mr. Gilleland, Mr. Bushnell, Mr. Cleveland, captain lieutenants, August 2, 1779 ; Mr. Welsh, lieutenant.

**Resolved,** That in part payment for the wood and other supplies, furnished for the use of the United States, from the estate of Stephen Moore, at West-Point, a warrant issue on the treasurer, in his favour, for 10,000 dollars, and another on his excellency Richard Caswell, esq. governor of the state of North-Carolina, in his favour, for 30,000 dollars, being part of the money raised in the said state for the use of the United States; and that the final settlement of his demands be deferred to a future opportunity.

**TUESDAY, February 8, 1780.**

Whereas by a resolution of Congress of the 28th of November, 1778, it was provided, that the allowance of the managers, after that time, should be determined at the close of the drawing of the second class of the lottery:

**Resolved,** That the said managers be respectively allowed 12 dollars per day for their services from the 28th of November, 1778, to the 29th of June 1779, being the time of finishing the drawing as aforesaid; and that their allowance for transacting the business of the third class be determined at the close of the drawing thereof.

**Resolved,** That the resignation of Mr. R. Troup, secretary of the board of treasury, be accepted.

**Resolved,** That when any ship or vessel of war, in the service of the United States, shall be lost by capture or otherwise, a court of enquiry, consisting of that continental navy board which shall by the board of admiralty be directed to proceed therein, or any three persons that such navy board may appoint, be held to enquire into the cause of such loss; and if it shall appear that the same was occasioned by the negligence or malconduct of the captain, or any other commissioned officer belonging to the ship or vessel of war so lost, that then a court-martial be held for the trial of the officer so offending, to consist of such officers, if conveniently to be collected, as by the rules and regulations of the navy constitute a court-martial; otherwise of five such persons as the said navy board shall for that purpose appoint; and if such loss should be by capture, and it shall appear on trial, that the same was occasioned by the cowardice or treachery of the commanding officer, then, and in that case, such commanding officer shall suffer death; and if the loss, whether by capture or otherwise, should be occasioned by any other malconduct, such commanding officer shall be, by such court-martial, cashiered:

That when two or more ships or vessels of war, in the service of these states, are in company, and any or either of them shall be lost, by capture or otherwise, a court of enquiry, so constituted as aforesaid, shall be held to enquire into the causes thereof; and if it should appear that such loss was occasioned by the malconduct or negligence of any captain or commanding officer of any ship or vessel in company as aforesaid, then a court-martial, constituted as before mentioned, shall be held for the trial of the officer so offending; and if the loss should be by capture, and it should appear on trial, that such capture was occasioned by the cowardice or treachery of such captain or commanding officer, by withholding his assistance from the ship or vessel of war so captured, then, and in that case, such captain or commanding officer shall suffer death; but if it shall appear that the loss happened through any other malconduct of such captain or commanding officer, then he shall be, by such court-martial, cashiered:

That if, upon enquiry as aforesaid, into the conduct of any officer or officers in the service of these states, it shall appear that they, or any of them, shall have offended in any instance mentioned in these resolutions, it shall be in the power of the navy board to suspend such officer or officers, until a trial by court-martial shall be had; and the navy board shall forthwith transmit to the board of admiralty the proceedings of such court of enquiry,

with their doings in consequence thereof, and to Congress all the proceedings of courts-martial, when any shall be had, previous to the execution of any capital sentence that shall be by such court-martial awarded; to the end that Congress may extend their mercy to such offenders as they may judge to be proper objects thereof.

*Resolved*, That the board of admiralty order a court of enquiry to be instituted agreeably to the foregoing resolution, to enquire into the cause of the loss of the continental sloop Fly, lately commanded by captain James Robinson.

A petition from the corporation of the public grammar school, or academy, of the borough of Wilmington, in the Delaware state, was read, praying a compensation for the damages done to their public school:

*Ordered*, That it be referred to the board of treasury, there to be filed with papers of a similar nature.

### WEDNESDAY, February 9, 1780.

A letter, of the 8th, from W. Paca, was read, signifying his acceptance of the office of judge of the court of appeals.

*Resolved*, That the reasonable expense any state hath incurred, or may incur, by raising and having in the continental army more than what shall hereafter appear to have been their just proportion of the troops actually serving in the said army from time to time, shall be allowed to such states, and equitably adjusted in a final settlement of their accounts with the United States.

*Resolved*, That for the ensuing campaign the states be respectively required to furnish, by draughts or otherwise, on or before the first day of April next, their respective deficiencies of the number of 35,211 men, exclusive of commissioned officers, which Congress deem necessary for the service of the present year:

That the quotas of the several states be as follows:

New-Hampshire,	-	-	-	1215	Delaware,	-	-	-	-	405
Massachusetts-Bay,	-	-	-	6070	Maryland,	-	-	-	-	3238
Rhode-Island,	-	-	-	810	Virginia,	-	-	-	-	6070
Connecticut,	-	-	-	3238	North-Carolina,	-	-	-	-	3640
New-York,	-	-	-	1620	South-Carolina,	-	-	-	-	2450
New-Jersey,	-	-	-	1620	[exclusive of blacks]					
Pennsylvania,	-	-	-	4855						

That all the men whose times of service do not expire before the last date of September next, be counted towards the quotas of the states to which they respectively belong, whether they compose the battalions in the line of the several states, those of the additional corps, including the guards, the artillery and horse, or the regimental artificers in the departments of the quarter-master general and commissary-general of military stores, who being credited to the states respectively, should be provided for, deemed and treated in the same manner with the men in the several state lines; and it is recommended to the several states to make like provision for the officers and men of the artillery, horse, additional corps, including the guards and regimented artificers, as may be made in pursuance of any resolution of Congress, for the officers and men of their respective battalions; with such exceptions, respecting the regimented artificers, as have been made by Congress in their acts concerning them:

That the commander in chief be forthwith directed to transmit to the several states accurate returns of the troops now in service, belonging or credited to their respective quotas; to the intent that immediate measures be taken by the governments of the states, to bring the men to be raised into the field, with certainty and expedition.

### THURSDAY, February 10, 1780.

*Resolved*, That Congress entertain a high sense of the merit and services



of col. Armand, and that his application for leave of absence, for the space of six months, after the end of the next campaign, be complied with.

**FRIDAY, February 11, 1780.**

A letter, of the 9th, from the board of war, was read, informing that they had appointed Samuel Hodgdon, the principal field-commissary of military stores, to be deputy-commissary general of military stores, and proposing that his pay should be 1250 dollars per month; Whereupon,

*Resolved*, That the pay of Samuel Hodgdon, deputy-commissary general of military stores, be 1250 dollars per month, until the further order of Congress.

*Resolved*, That the executive power of the state of Virginia be authorized to examine the accounts of the deputy-commissary general of purchases and issues, against col. Bland, for articles supplied for his use while in command at the post of Charlotteville, and to make such allowances in his favor as they shall deem just and proper; and that colonel Bland be discharged from payment of the monies charged against him for all articles which, in the opinion of the said executive, he should have been allowed, from the peculiar situation of his command.

*Resolved*, That Congress highly applaud the unremitted exertions of the state of Georgia, and the zeal and firmness manifested by them under all their difficulties; and that the state of Georgia may be assured no endeavour will be wanting on the part of Congress to promote her interests.

*Resolved*, That the quota of continental troops for the state of Georgia be, the ensuing campaign, one battalion of infantry and one regiment of horse.

*Resolved*, That Congress approve the plan adopted by the state of Georgia for reducing the four regiments of that state into one, for officering the same, and also the regiment of cavalry.

*Resolved*, That such officers as cannot be employed in the line of that state be deemed supernumeraries, and entitled to every privilege with officers in like situation.

*Resolved*, That the president inform the governor of the state of Georgia that a general exchange of prisoners is now negotiating, and due regard will undoubtedly be paid to colonel Elbert.

*Resolved*, That notwithstanding the high sense Congress entertain of the merit of colonel Elbert, Congress cannot at present promote him to the rank of brigadier in the continental army, as such promotion would be productive of discontent in the line of the army.

*Ordered*, That the resolution respecting the exchange of colonel Elbert, be transmitted to general Washington.

**SATURDAY, February 12, 1780.**

*Resolved*, That the governor and privy-council of the state of South-Carolina be requested to advance, from time to time, to the military chest, such sums of money, being part of the taxes raised in the said state, for the use of the United States, as they, on consulting the commanding officer in the southern department, may find necessary for the public service there, advising the board of treasury thereof: and that, on receipt of the documents shewing such payments respectively, the said board credit the state with the same, from the dates when they were severally made, according to the resolution of Congress of the 6th of October last.

Congress resumed the consideration of the proceedings of the court-martial on the trial of major-general Arnold, and the same being gone through;

A motion was made by Mr. Forbes, seconded by Mr. Jones, that the sen-



tence of the court-martial be confirmed ; on which, the yeas and nays were required, and it was resolved in the affirmative.

**MONDAY, February 14, 1780.**

*Resolved*, That recruiting money be furnished to major Lee, to enable him to enlist seventy privates, to serve as dismounted dragoons in addition to those now in the corps; the whole to be formed into three troops.

A letter, of this day, from George Hoffner, adjutant in colonel Proctor's regiment of artillery, was read, requesting leave to resign his commission; Whereupon,

*Resolved*, That his resignation be accepted.

A letter, of this day, from Lawrence Allman, captain-lieut. in col. Proctor's regiment of artillery, was read, requesting leave to resign his commission.

*Resolved*, That his resignation be accepted.

**TUESDAY, February 15, 1780.**

*Resolved*, That a copy of the letters from the state of Georgia, as far as they relate to general M'Intosh, be transmitted to that officer, and that he be informed Congress deem it inexpedient to employ him at present in the southern army, and therefore his services in that department be dispensed with, until the further order of Congress.

**FRIDAY, February 18, 1780.**

A memorial from John Holker, esq. agent for the marine of France, &c. was read, accompanied with an appeal from the judgment of the court of admiralty for the state of Massachusetts-Bay, on the libel John Tucker, versus the ship Le Vern :

*Ordered*, That it be referred to the committee on appeals.

**SATURDAY, February 19, 1780.**

*Resolved*, That the memorial of capt. Ebenezer Green, one of the hostages at the Cedars, be referred to the commander in chief, who is hereby authorized and directed to take such measures relative to the said hostages as he shall judge most expedient.

**MONDAY, February 21, 1780.**

*Resolved*, That the commissioners of Indian affairs in the northern department be authorized and instructed to take such securities from the hostile tribes of Indians, to ensure the faithful performance of their engagements with the said commissioners, as seem most conducive to the end proposed, in lieu of hostages.

*Resolved*, That the promotion of the artillery and horse be determined by the rules executed with regard to the infantry; and that no promotions to the rank of colonel, either in the artillery or cavalry, be made on vacancies.

*Resolved*, That all aids-de-camp now in service, who were appointed before the 27th of May, 1778, and are not admissible into any state line, receive commissions agreeable to the rank they are entitled to, under the resolution of June 5th, 1776; their commissions to bear the dates of their appointments.

**TUESDAY, February 22, 1780.**

A letter, of this day, from Mr. Gerry, was read; Whereupon,

*Resolved*, That any member thinking his privilege infringed by any thing said or done in the house, ought of right to be heard in his place.

**WEDNESDAY, February 23, 1780.**

Colonel Armand, marquis de la Rouerie, having applied for promotion to

the rank of brigadier in the service of the United States; and Congress, (though conscious of his merit, and that he has upon all occasions exhibited undoubted and distinguished proofs of his great zeal, activity and vigilance, intelligence and bravery; and in the last campaign particularly, rendered very valuable services) not thinking it expedient under the present circumstances of the army to comply with his request, as it would too much interfere with the arrangements lately established, and be injurious to the rights of other colonels who have been longer in service than colonel Armand; and being desirous, as well to promote the public interest as to testify their good opinion of colonel Armand, by affording him an opportunity of continuing in the service of the United States;

*Resolved*, That the remains of the legion of the late count Pulaski be incorporated with the corps of colonel Armand, marquis de la Rouerie, in such manner as the commander in chief of the southern army shall think proper: the united corps to be formed into a legion to be commanded by colonel Armand; provided, however, that gen. Lincoln has not already entered into measures for complying with the resolution of Congress of December 29th, 1779.

FRIDAY, February 25, 1780.

Mr. L'Hommedieu, one of the delegates from the state of New-York, laid before Congress sundry resolutions of the senate of that state, relative to the appointment of delegates, which were read.

Congress resumed the consideration of the report of the committee for estimating supplies, and the same having been debated by paragraphs and amended, the following resolutions were agreed to, viz.

*Resolved*, That the several states be called on forthwith to procure their respective quotas of supplies for the ensuing campaign, as follows, to wit:

N. Hampshire	11,200 hundred weight of beef,	18,662 bushels of corn, or short forage equivalent,
	35,643 gallons of rum,	
Mass's-Bay,	56,000 hundred weight of beef,	Maryland, 40,000 hundred weight of beef,
	12,126 bushels of salt,	20,000 barrels of flour,
	195,628 gallons of rum,	200 tons of hay or corn blade,
Rhode-Island,	2,240 hundred weight of beef,	56,152 bushels of corn, or short forage equivalent,
	2,000 bushels of salt,	1,000 hogsheads of tobacco,
	18,621 gallons of rum,	47,000 hundred weight of beef,
	400 tons of hay,	1,278 barrels of flour,
Connecticut,	78,400 hundred weight of beef,	10,700 bushels of salt,
	1,011 bushels of salt,	400 tons of hay or corn blade,
	68,558 gallons of rum,	200,000 bushels of corn, or short forage equivalent,
	500 tons of hay,	6,000 hogsheads of tobacco,
New-York,	11,200 hundred weight of beef,	100,000 gallons of rum,
	13,969 barrels of flour,	49,875 hundred weight of beef,
	500 tons of hay,	15,000 barrels of flour,
	30,000 bushels of Indian corn, or other short forage equivalent.	4,500 bushels of salt,
New-Jersey,	18,000 hundred weight of beef,	800 tons of hay or corn blade,
	10,000 barrels of flour,	80,000 bushels of corn, or short forage in proportion,
	3,758 bushels of salt,	16,000 hundred weight of beef,
	3,500 tons of hay,	52,000 hundred weight of rice,
	30,000 bushels of corn, or short forage equivalent,	5,000 bushels of salt,
Pennsylvania,	40,000 barrels of flour,	12,000 gallons of rum,
	14,189 bushels of salt,	800 tons of hay or corn blade,
	24,423 gallons of rum,	80,000 bushels of corn, or short forage equivalent.
	1,700 tons of hay,	
	200,000 bushels of corn, or short forage equivalent,	
Delaware,	3,055 barrels of flour,	
	500 tons of hay,	

*Resolved*, That pork be received from any state in lieu of beef, in quantities proportioned to the prices assigned to each.

*Resolved*, That continental rum, or other spirit suitable for the army, be received in lieu of West-India rum, in proportion to the prices assigned to each.

*Resolved*, That the articles aforesaid, be collected and deposited, or delivered, at the risk of the respective states, in such places within each state respectively, as the commander in chief shall judge most convenient, except tobacco, which is to be under the direction of the commercial committee.

Provided, That such of the said articles as shall be destroyed or taken by the enemy, after being deposited as aforesaid, or which shall be damaged by long keeping, shall be paid for by the United States.

*Resolved*, That the respective states be credited for all such commodities, being of good and sufficient quality, as shall be received for the use of the United States, by persons appointed to inspect the same, at the prices following, to wit:

Merchantable flour, per hundred weight gross, viz. 112 lb.  $4\frac{1}{2}$  dollars;

Beef, best grass fed, which shall be delivered between the first of July and the first of December,  $5\frac{1}{2}$  dollars per net hundred weight;

Beef, best stall fed, which shall be delivered in the month of December,  $6\frac{1}{2}$  dollars per net hundred weight; and for all that shall be delivered after the first of January, and before the first of July, 8 dollars per net hundred weight;

Fresh pork, well fatted with corn or rice, 7 dollars per net hundred weight; salted pork per barrel, well fatted as aforesaid, containing 220 lb. net, 23 dollars; salted beef per barrel, containing 240 lb. net,  $17\frac{1}{2}$  dollars; clean well dried Indian corn per bushel,  $\frac{1}{2}$  a dollar; oats, well cleaned,  $\frac{1}{2}$  a dollar per bushel; rice, well cleaned, per bushel, 1 dollar; white beans and peas per bushel,  $1\frac{1}{2}$  dollars; wheat per bushel, weighing 60 lb.  $1\frac{1}{2}$  dollars; spelts,  $\frac{1}{2}$  a dollar per bushel; buckwheat per bushel,  $\$-\frac{5}{8}$  of a dollar; rough rice,  $\frac{3}{4}$  of a dollar per bushel; merchantable rice, 3 dollars per hundred weight; Best upland first crop hay per ton, 15 dollars; best Indian corn blades per ton, 15 dollars; good inspected tobacco per hundred net, 6 dollars; West-India rum, good proof, 1 2-3 dollar per gallon; best alum or rock salt per bushel, 3 dollars; and other salt in proportion;

Continental rum, good proof, 1 dollar; and other spirits, good proof, suitable for the army, at prices in the usual proportions to the price of rye.

*Resolved*, That all the accounts between these states, relating to their quotas of the supplies aforesaid, shall be kept and finally settled in Spanish milled dollars, and the balances finally paid in specie.

*Resolved*, That if it shall appear, on an adjustment of the quotas of the several states, that any state has supplied more than its due proportion in value, every such state shall be paid the value of the surplus, at the rates aforesaid, in specie, with interest at 6 per centum per annum, from the time such surplus shall have been deposited as above directed; and every state which shall have failed to supply its due proportion, shall be charged with the deficiency, at the rates aforesaid, and the like interest thereon, from the time that the same ought to have been deposited.

*Resolved*, That the several states cause monthly returns to be made to the board of war of all such commodities as shall be procured for the use of the United States; specifying the quantities issued in each preceding month.

*Resolved*, That when any state shall have taken the necessary measures for furnishing its quota of the said supplies, and shall have given information thereof to Congress, such state be authorized to carry into effect the resolution of the 17th of December last, for discontinuing purchases of such supplies, by the commissaries or quarter-masters within the same.

**Resolved,** That the several states be excused from paying into the treasury 2-3 of the monies which they were called on to raise monthly, for the use of the United States, by the resolution of the 6th of October, 1779.

**Resolved,** That it be recommended to the states to furnish such parts of their quotas of meat, in beef cattle, as the commissaries shall from time to time have occasion for, to supply the army with fresh beef through the different seasons of the year.

That only such quantities of beef and pork be salted, to be delivered in barrels, as shall be requested by the commissary-general:

That the hides and tallow of the beef cattle, delivered on foot, shall be received and credited at the same price as the beef.

That the provisions furnished by authority of any state, for the use of the army, since the first day of December last, may be credited as part of the quota of supplies assigned to such state; at the prices fixed in the foregoing resolutions, if such state desire it.

**Resolved,** That doctor David Oliphant, director-general of the hospitals in the state of South-Carolina, be and he is hereby directed to make monthly returns to the medical committee, agreeable to the resolutions of Congress of the 7th of April, 1777; and that he cause a duplicate thereof to be delivered monthly to the commanding officer, for the time being, of the southern army; and that the director-general of the hospitals to the army of the United States be furnished with a copy of this resolution.

**MONDAY, February 28, 1780.**

**Resolved,** That lieutenant-colonel White be informed that Congress have resolved to grant no colonels' commissions in the army of the United States of America; and therefore lieutenant-colonel White's request cannot be complied with.

**Resolved,** That lieutenant-colonel Baldwin, and the officers of the several companies of artificers that were incorporated on the 12th of November last and put under his command, and who were in service before that day, be allowed the increased subsistence of 100 dollars per month for each retained ration, in like manner as the same has been allowed to officers in the line, by virtue of the resolution of Congress of the 18th of August last, for such time as they were in service subsequent to the day last mentioned.

**Resolved,** That lieutenant-colonel Baldwin be allowed, in the payment of the balance due by him to the United States, the sum of 6491 dollars, being monies which fell into the hands of the enemy, at Skeensborough, without any default.

**TUESDAY, February 29, 1780.**

The board of war to whom was referred the letter from gen. Irvine, of the 23d ult. brought in a report, which was read; Whereupon,

**Resolved,** That the letter from gen. Irvine, of January 23d, relative to his rank, be referred to the commander in chief; and that he be authorized to direct the necessary enquiry into gen. Irvine's claim, and finally settle the same.

**Resolved,** That the president of the council of Massachusetts-Bay be informed, in answer to his letter of the 13th of January last, that all grants and allowances, of what name or nature soever, made by Congress to the officers and soldiers of the continental army, in addition to their pay, rations or bounties, since the first day of January, 1777, (except for extra services, or expenses in special cases) were made in consideration of the enhanced prices of the necessaries of life, in consequence of the depreciation of the paper currency, and ought to be accordingly considered in making good the original contract.

WEDNESDAY, *March 1, 1780.*

The delegates from the state of Connecticut laid before Congress the credentials of their appointment, which were read.

*Resolved*, That although Congress have been informed of the good conduct and character of the chevalier de Vandre, who has served with reputation the last campaign, in the corps commanded by col. Armand, the circumstances of the army will not admit of his being promoted :

That he receive the pay and subsistence of a lieutenant of dragoons, during the time of his service in America, and the sum of 2000 dollars to enable him to return to France.

*Resolved*, That any interest the United States may have in the capture of the brigantine Betsey, by the sloop Argo, Silas Talbot, commander, be relinquished to the said captain Talbot, and the officers, seamen, and marines under his command at the time of the capture.

THURSDAY, *March 2, 1780.*

*Resolved*, That Tuesday next be assigned for taking into consideration the disputes and differences relative to the jurisdiction of the states of New-York, Massachusetts-Bay, and New-Hampshire, or such of them as have passed laws agreeable to a recommendation of Congress of the 24th of September last, on one part, and the people of a certain district of country called the New-Hampshire Grants, who claim to a separate jurisdiction, on the other part.

SATURDAY, *March 4, 1780.*

A letter, of February 1st, from D. Avery, chaplain to the brigade, late Learned's, was read, requesting leave, on account of his ill state of health, to resign :

*Resolved*, That his resignation be accepted.

*Resolved*, That Mr. Nevin be appointed a captain of engineers, to rank from the 25th of April, 1779.

That the chevalier Bonnevalle be appointed to the rank of ensign in the army of the United States.

*Resolved*, That the board of treasury be directed to suspend the sale of any more bills of exchange, till the further order of Congress.

MONDAY, *March 6, 1780.*

Mr. J. Morin Scott, a delegate from the state of New-York, attended and took his seat in Congress.

The board of treasury, to whom was referred the letter of William Smith, of Baltimore, dated February 10th, respecting the payment of interest due on loan-office certificates, issued in the state of Georgia, report as their opinion,

That the said interest cannot be regularly discharged, except by the person who is possessed of the books of the office, and by whom alone they can be checked ; and that as the government of the said state is now again in operation, and it cannot be doubted that the business of the loan-office is revived and regularly carried on, the certificates ought to be presented there.

*Resolved*, That Congress agree to the said report.

*Resolved*, That the governors of Virginia, North-Carolina, and South-Carolina, be requested to use their utmost exertions in filling up their continental battalions, and that the men, as they can be from time to time collected, to the number of fifty, be forwarded to join the southern army ; that, in the mean time, the said states be requested to raise a body of militia, to join and serve in the southern army until the first day of January next, unless sooner relieved by their respective quotas of continental troops, or otherwise discharged.



The board of treasury report, that, on information, they find large supplies for the army have been lately collected in the state of New-Jersey, in consequence of an application from the commander in chief, either by the magistrates or persons appointed for that end by the legislature; the accounts arising on which can be more conveniently paid and settled under the direction of the state than in any other mode; Whereupon,

*Resolved*, That it be recommended to the legislature of the state of New-Jersey, to take measures for the payment of the accounts arising for supplies lately furnished to the army, in consequence of the application of the commander in chief, in the mode which they may judge most conducive to the relief of those who have furnished them; including the same in their accounts against the United States, to be subject to examination in like manner as other charges.

**TUESDAY, March 7, 1780.**

Mr. P. Schuyler, a delegate from the state of New-York, attended and took his seat in Congress.

Mr. R. B. Livingston, a delegate from the state of New-York, laid before Congress a resolution of the legislature of that state, extending his delegation until the first day of October next.

*Resolved*, That major-general baron Steuben be allowed the sum of 250 louis d'ors, in bills of exchange, for reimbursing him the expenses of himself and family coming to America.

A letter, of January 22d, from W. Whipple, was read, acknowledging the receipt of the act of Congress appointing him a commissioner of the board of admiralty, which office, on account of the situation of his private affairs, he is obliged to decline.

**WEDNESDAY, March 8, 1780.**

*Resolved*, That it be earnestly recommended to the states of Virginia, North-Carolina and South-Carolina, to have in readiness to act, as the operations of the campaign shall require, a body of 5,000 militia or state troops, over and above their quotas of continental troops, in the following proportions, to wit: Virginia 2,000, North-Carolina 1,500, South-Carolina 1,500.

That the militia directed to be held in readiness by the states of Virginia, North-Carolina and South-Carolina, agreeable to the foregoing resolution, be called into actual service whenever the commanding officer in the southern department shall deem it necessary.

That the commander in chief be directed to make such detachment from the troops under his command, to reinforce the southern army, as his strength and circumstances will permit.

*Resolved*, That the board of treasury report such sums as they may deem competent, to be advanced to the commissioners and clerks of the several boards, auditors of the army, and other civil officers, for their necessary expenses, to be accounted for toward their salaries, when a new establishment thereof shall be made by Congress.

*Resolved*, That the board of treasury be directed to deliver to the committee of commerce bills of exchange drawn on the honorable John Jay, esq. minister plenipotentiary at the court of Spain, for a sum equal to £5,000 sterling, to be forwarded by the committee of commerce to Mr. Bingham, or delivered to his agent, Mr. Benezet, in Philadelphia, to discharge in part the debt due from the United States to the said William Bingham.

That, in consequence of the request of the said William Bingham, he have leave to return to Philadelphia.

**THURSDAY, March 9, 1780.**

*Resolved*, That the chevalier de Fontivereaux, who has for some time



borne the rank of lieutenant in the army of the United States, by brevet, receive the commission of lieutenant of dragoons in colonel Armand's legion.

FRIDAY, *March 10, 1780.*

Whereas general Schuyler has declined the appointment made in consequence of the resolution of the 20th of January last :

*Resolved*, That the remaining commissioners be empowered to proceed in the business committed to them.

*Resolved*, That a committee of three be appointed to confer with the said commissioners, and with them devise the best ways and means of carrying their commission into effect : the members chosen, Mr. Sherman, Mr. Jones, and Mr. Schuyler.

For the better regulating the payment of arrears due, or become due, to the soldiery, for clothing, pursuant to the resolution of Congress, of the 16th of August last,

*Resolved*, That the several regimental-pay-masters, at the end of each year, make out returns of the clothing drawn by each soldier in the regiment to which he belongs, in the course thereof, and of the articles still due and to be paid for, at the value fixed by the clothier-general.

That each of the said returns, certified by the sub or state clothier of the troops of the state to which the regiment may belong, accompanied by a certified copy of the last muster-roll, be delivered to the auditors of the army, or detachment of the army, in which the said regiment may be, who shall compare the return with the muster-roll, file them in their office, and report a warrant, in the usual form, for the sum necessary to discharge the arrears to the soldiers ; and when any part of the regiment happens to be detached at that time, the sum necessary to pay them shall, when they return, be granted on a certificate of the inspector who musters the regiment, and settled in the same manner as the arrears due to those present.

That each regimental-pay-master, within two weeks after the receipt of the money, pay off the several companies, and take receipts from the soldiers respectively, to be produced as his vouchers to the auditors, at the next settlement of his regimental pay-roll.

That the said auditors examine and settle the said accounts, and the balance, if any, which may remain in the hands of the said pay-master, by reason of casualties in the regiment, after the taking of the muster-roll aforesaid, be refunded, as directed by the resolutions of Congress of the 6th day of February, 1778.

That arrears of clothing due to prisoners, or the legal representatives of such as from time to time may have died in the service, be paid for in the manner directed in similar cases of arrears of pay by the said last recited resolutions.

The board of treasury, to whom was referred a letter of January 26th, from the board of war, respecting the right of persons out of office to draw pay, rations and subsistence, while settling their accounts, brought in a report ; Whereupon,

*Resolved*, That no allowance of pay, rations or subsistence, ought to be made to any person after he ceases to be in office.

That if any issuer deliver out public stores to such persons, without being authorized by a resolution of Congress, the same ought to be charged to his account.

SATURDAY, *March 11, 1780.*

*Resolved*, That the commander in chief be empowered and directed to make the most salutary regulations possible for modifying the practice of taking men from the regiments to act as servants to officers, which has heretofore been attended with many bad consequences.

That every officer who by such regulation shall be entitled to a servant, and who shall enlist, to serve during the war, a youth not under fifteen nor exceeding eighteen years of age, and who from appearances is likely to prove an able bodied soldier, such officer shall retain the youth so enlisted as his servant, until, in the opinion of the inspector-general, or one of the sub-inspectors, he shall be fit to bear arms, and the youth shall receive the bounty money, clothing, pay and rations of a soldier; and the officer to whom such servant shall be attached, is not to be allowed a man out of the ranks, on any pretence whatsoever, while such servant remains with him. In case of the death or resignation of such officer, the servant to be turned over to some other officer, in the regiment, entitled to a servant. The like allowances of clothing, pay and rations shall be given to any officer entitled as aforesaid to a servant who shall bring into the field with him a servant of his own; the officer in such case not to be allowed a servant out of the line.

*Resolved*, That the board of war give the necessary directions for replacing, out of the public stores, as soon as a sufficient quantity can be spared, the flour borrowed of Mr. Holker, agent for the marine of France in the year 1779, for the use of the United States.

*Resolved*, That the legislature of the state of Maryland be requested to deliver to Mr. Holker, or his agent, on or before the 1st day of May next, out of the quantity of flour called for by the resolution of the 25th of February last, such a quantity as, with what has been already purchased and now in the possession of Mr. Holker's agent, in Maryland, will complete the quantity of 15,000 barrels for the marine of France.

*Resolved*, That the legislature of the state of Pennsylvania be requested to deliver to Mr. Holker, or his agent, on or before the first day of May next, as a part of the supplies called for by the said resolutions of the 25th of February last, 6000 barrels of flour, 600 barrels of pork, and 200 barrels of beef for the use of the marine of France.

*Resolved*, That the legislature of the state of Connecticut be requested to deliver to Mr. Holker, or his agent, on or before the 1st day of May next; as a part of the supplies called for from that state, 1000 barrels of pork and 1,555 barrels of flour for the above purpose.

*Resolved*, That the above supplies, when delivered, be charged to Mr. Holker, in account with the United States, in specie, at prices fixed in the said resolutions of the 25th of February last.

*Resolved*, That the deputy quarter-master-general and principal purchasing-commissary in the southern army ascertain, in the best manner circumstances will admit, the quantities of forage and provisions supplied by the inhabitants to the forces of his most Christian majesty while the armies lay before Savannah last September and October, and pay for the same what they were reasonably worth, keeping exact and separate accounts of the sums so paid, and transmitting the same to the treasury board, as soon as may be.

#### A PROCLAMATION FOR A FAST.

It having pleased the righteous Governor of the World, for the punishment of our manifold offences, to permit the sword of war still to harass our country, it becomes us to endeavour, by humbling ourselves before him, and turning from every evil way, to avert his anger and obtain his favour and blessing: it is therefore hereby recommended to the several states,

That Wednesday, the twenty-sixth day of April next, be set apart and observed as a day of fasting, humiliation and prayer, that we may, with one heart and one voice, implore the sovereign Lord of Heaven and earth to remember mercy in his judgments;—to make us sincerely penitent for our transgressions;—to prepare us for deliverance, and to remove the evils with which he hath been pleased to visit us;—to banish vice and irreligion from among us, and establish virtue and piety by his divine grace;—to bless all

public councils throughout the United States, giving them wisdom, firmness and unanimity, and directing them to the best measures for the public good; to bless the magistrates and people of every rank, and animate and unite the hearts of all to promote the interests of their country; to bless the public defence, inspiring all commanders and soldiers with magnanimity and perseverance, and giving vigour and success to the military operations by sea and land; to bless the illustrious sovereign and the nation in alliance with these states, and all who interest themselves in the support of our rights and liberties;—to make that alliance of perpetual and extensive usefulness to those immediately concerned, and mankind in general;—to grant fruitful seasons, and to bless our industry, trade and manufactures;—to bless all schools and seminaries of learning, and every means of instruction and education;—to cause wars to cease, and to establish peace among the nations.

And it is further recommended, that servile labour and recreations be forbidden on the said day.

**MONDAY, *March 13, 1780.***

A letter, of February 21st, from G. Wythe, was read, declining the office of judge of the court of appeals.

**THURSDAY, *March 16, 1780.***

A letter, of January 12th, from Thomas Waring, senior, was read, declining the office of a commissioner of the board of admiralty, to which he was elected.

*Resolved*, That the loan continued to the first of the present month, by the resolution of the 6th of October last, be further continued to the amount of the blank loan-office certificates which are already ordered by Congress to be struck.

**SATURDAY, *March 18, 1780.***

These United States having been driven into this just and necessary war, at the time when no regular civil governments were established, of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue; and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy, to afford them aid or credit, in consequence of which, their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting, at the same time, specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; insomuch that they are now passed, by common consent, in most parts of these United States, at least 39-40ths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice, the public finances are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed; and whereas, effectually to remedy these evils, for which purpose the United States are now become competent, their independency being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills; therefore,

*Resolved*, That the several states continue to bring into the continental treasury, by taxes or otherwise, their full quotas of 15,000,000 of dollars monthly, as assigned them by the resolution of the 7th of October, 1779; a clause in the resolution of the 23d of February last, for relinquishing two-thirds of the said quotas, to the contrary notwithstanding; and that the states

be further called on to make provision for continuing to bring into the said treasury their like quotas monthly, to the month of April, 1781, inclusive :

That silver and gold be receivable in payment of the said quotas, at the rate of one Spanish milled dollar in lieu of 40 dollars of the bills now in circulation.

That the said bills, as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not re-issued, but destroyed.

That as fast as the said bills shall be brought in to be destroyed, and funds shall be established, as hereafter mentioned, for other bills, other bills be issued, not to exceed, on any account, one-twentieth part of the nominal sum of the bills brought in to be destroyed.

That the bills which shall be issued, be redeemable in specie, within six years after the present, and bear an interest at the rate of five per centum per annum, to be paid also in specie at the redemption of the bills, or, at the election of the holder, annually, at the respective continental loan-offices, in sterling bills of exchange, drawn by the United States on their commissioners in Europe, at 4s. 6d. sterling per dollar.

That the said new bills issue on the funds of individual states, for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any state on whose funds they shall be emitted, should, by the events of war, be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange, for payment of interest as aforesaid, shall be endorsed on the bills to be emitted, and signed by a commissioner to be appointed by Congress for that purpose.

That the face of the bills to be emitted read as follows, viz.

The possessor of this bill shall be paid \_\_\_\_\_ Spanish milled dollars, by the 31st day of December, 1786, with interest, in like money, at the rate of five per cent. per annum, by the state of \_\_\_\_\_, according to an act of the legislature of the said state, of the \_\_\_\_\_ day of \_\_\_\_\_, 1780.

And the endorsement shall be as follows, viz.

The United States ensure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the 18th day of March, 1780.

That the said new bills shall be struck under the direction of the board of treasury, in due proportion for each state, according to their said monthly quotas, and lodged in the continental loan-offices in the respective states, where the commissioner to be appointed by Congress, in conjunction with such persons as the respective states appoint, shall attend the signing of the said bills; which shall be completed no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the said loan-offices.

That as the said new bills are signed and completed, the states respectively, on whose funds they issue, receive six-tenths of them, and that the remainder be subject to the orders of the United States, and credited to the states on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the 6th of October, 1779.

That the said new bills be receivable in payment of the said monthly quotas, at the same rate as aforesaid of specie; the interest thereon to be computed to the respective states, to the day the payment becomes due.

That the respective states be charged with such parts of the interest on their said bills, as shall be paid by the United States, in bills of exchange; and the accounts thereof shall be adjusted agreeably to the resolution aforesaid, of the 6th of October, 1779.

That whenever interest on the bills to be emitted shall be paid prior to

public councils throughout the United States, giving them wisdom, firmness and unanimity, and directing them to the best measures for the public good; to bless the magistrates and people of every rank, and animate and unite the hearts of all to promote the interests of their country; to bless the public defence, inspiring all commanders and soldiers with magnanimity and perseverance, and giving vigour and success to the military operations by sea and land; to bless the illustrious sovereign and the nation in alliance with these states, and all who interest themselves in the support of our rights and liberties;—to make that alliance of perpetual and extensive usefulness to those immediately concerned, and mankind in general;—to grant fruitful seasons, and to bless our industry, trade and manufactures;—to bless all schools and seminaries of learning, and every means of instruction and education;—to cause wars to cease, and to establish peace among the nations.

And it is further recommended, that servile labour and recreations be forbidden on the said day.

**MONDAY, *March 13, 1780.***

A letter, of February 21st, from G. Wythe, was read, declining the office of judge of the court of appeals.

**THURSDAY, *March 16, 1780.***

A letter, of January 12th, from Thomas Waring, senior, was read, declining the office of a commissioner of the board of admiralty, to which he was elected.

*Resolved*, That the loan continued to the first of the present month, by the resolution of the 6th of October last, be further continued to the amount of the blank loan-office certificates which are already ordered by Congress to be struck.

**SATURDAY, *March 18, 1780.***

These United States having been driven into this just and necessary war, at the time when no regular civil governments were established, of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue; and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy, to afford them aid or credit, in consequence of which, their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting, at the same time, specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; insomuch that they are now passed, by common consent, in most parts of these United States, at least 39-40ths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice, the public finances are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed; and whereas, effectually to remedy these evils, for which purpose the United States are now become competent, their independency being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills; therefore,

*Resolved*, That the several states continue to bring into the continental treasury, by taxes or otherwise, their full quotas of 15,000,000 of dollars monthly, as assigned them by the resolution of the 7th of October, 1779; a clause in the resolution of the 23d of February last, for relinquishing two-thirds of the said quotas, to the contrary notwithstanding; and that the states



be further called on to make provision for continuing to bring into the said treasury their like quotas monthly, to the month of April, 1781, inclusive :

That silver and gold be receivable in payment of the said quotas, at the rate of one Spanish milled dollar in lieu of 40 dollars of the bills now in circulation.

That the said bills, as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not re-issued, but destroyed.

That as fast as the said bills shall be brought in to be destroyed, and funds shall be established, as hereafter mentioned, for other bills, other bills be issued, not to exceed, on any account, one-twentieth part of the nominal sum of the bills brought in to be destroyed.

That the bills which shall be issued, be redeemable in specie, within six years after the present, and bear an interest at the rate of five per centum per annum, to be paid also in specie at the redemption of the bills, or, at the election of the holder, annually, at the respective continental loan-offices, in sterling bills of exchange, drawn by the United States on their commissioners in Europe, at 4s. 6d. sterling per dollar.

That the said new bills issue on the funds of individual states, for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any state on whose funds they shall be emitted, should, by the events of war, be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange, for payment of interest as aforesaid, shall be endorsed on the bills to be emitted, and signed by a commissioner to be appointed by Congress for that purpose.

That the face of the bills to be emitted read as follows, viz.

The possessor of this bill shall be paid \_\_\_\_\_ Spanish milled dollars, by the 31st day of December, 1786, with interest, in like money, at the rate of five per cent. per annum, by the state of \_\_\_\_\_, according to an act of the legislature of the said state, of the \_\_\_\_\_ day of \_\_\_\_\_, 1780.

And the endorsement shall be as follows, viz.

The United States ensure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the 18th day of March, 1780.

That the said new bills shall be struck under the direction of the board of treasury, in due proportion for each state, according to their said monthly quotas, and lodged in the continental loan-offices in the respective states, where the commissioner to be appointed by Congress, in conjunction with such persons as the respective states appoint, shall attend the signing of the said bills; which shall be completed no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the said loan-offices.

That as the said new bills are signed and completed, the states respectively, on whose funds they issue, receive six-tenths of them, and that the remainder be subject to the orders of the United States, and credited to the states on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the 6th of October, 1779.

That the said new bills be receivable in payment of the said monthly quotas, at the same rate as aforesaid of specie; the interest thereon to be computed to the respective states, to the day the payment becomes due.

That the respective states be charged with such parts of the interest on their said bills, as shall be paid by the United States, in bills of exchange; and the accounts thereof shall be adjusted agreeably to the resolution aforesaid, of the 6th of October, 1779.

That whenever interest on the bills to be emitted shall be paid prior to



their redemption, such bills shall be thereupon exchanged for others of the like tenor, to bear date from the expiration of the year for which such interest is paid,

That the several states be called on to provide funds for their quotas of the said new bills, to be so productive as to sink or redeem one sixth part of them annually, after the first day of January next.

That nothing in the foregoing resolution shall be construed to ascertain the proportions of the expense incurred by the war, which each state on a final adjustment ought to be charged with, or to exclude the claims of any state to have the prices at which different states have furnished supplies for the army hereafter taken into consideration and equitably adjusted.

That the foregoing resolutions, with a letter from the president, be despatched to the executive of the several states, and that they be requested to call their assemblies, if not already convened, as speedily as possible, to take them into immediate consideration, to establish ample and certain funds for the purposes therein mentioned, and to take every other measure necessary to carry the same into full and vigorous effect, and that they transmit their acts for that purpose to Congress without delay.

MONDAY, *March 20, 1780.*

Mr. James Madison, jun. a delegate from Virginia, attended and produced the credentials of his appointment, which were read.

*Resolved*, That it be recommended to the several states, to revise their laws, enacted pursuant to a former resolution of Congress, making the continental bills of credit a tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice, in the present state of the paper currency: and

That it be further recommended, that the said laws be enacted in such manner that no persons may take unjust advantage to defeat the good purposes of this resolution, by availing themselves of the notice thereof, before the passing of the several acts.

TUESDAY, *March 21, 1780.*

*Resolved*, That it be recommended to the governments of the several states, to suspend making new appointments of officers in the regiments of their respective lines, except where the commander in chief or the commanding officer in the southern department shall deem such appointments indispensably necessary.

On motion to proceed to the order of the day for taking into consideration the disputes and differences relative to the jurisdiction of the states of New-York, Massachusetts-Bay and New-Hampshire, or such of them as have passed laws, agreeably to a recommendation of Congress of the 24th of September last, on the one part, and the people of a certain tract of a country called the New-Hampshire Grants, who claim to be a separate jurisdiction on the other part;

*Ordered*, That the same be postponed, nine states, exclusive of those who are parties to the question, not being represented in Congress.

WEDNESDAY, *March 22, 1780.*

*Resolved*, That the office of commissioner of clothing accounts, established by resolve of Congress of the 2d March, 1779, be discontinued, after six months from the date hereof; and that all persons having clothing accounts for the year 1777, and who do not exhibit them to the said commissioner within that period, shall not receive any compensation for any arrearages they may hereafter claim to be due to them.

**THURSDAY, *March 23, 1780.***

*Resolved*, That the board of treasury be authorized to accept the bills drawn by major-general Lincoln, to be paid, at the election of the holder, either in loan-office certificates or in cash, with interest, as soon as the treasury shall be in condition.

*Resolved*, That Jesse Brown be continued an express rider until the post riders shall be established, agreeable to the resolution of December 27th, 1779, or until the further order of Congress.

**SATURDAY, *March 25, 1780.***

Mr. Francis Kinloch, one of the delegates for South-Carolina, attended and produced the credentials of the delegates for that state, which were read.

Congress being informed that Mr. Forbes, one of the delegates for the state of Maryland, died this morning, and that it is proposed to inter his remains to-morrow evening ;

*Resolved*, That Congress will in a body attend the funeral to-morrow evening, at five o'clock, as mourners, with a crape round the left arm, and will continue in mourning for the space of one month :

That Mr. Plater, Mr. Jones, and Mr. Matthews, be a committee to superintend the funeral, and that the Rev. Mr. White be notified to officiate upon the occasion.

That the said committee be directed to invite the general assembly and the president and supreme executive council of Pennsylvania, the minister plenipotentiary of France, and other persons of distinction now in town, to attend the funeral.

*Resolved*, That the papers and original affidavits relative to the capture of the brig Eagle, John Ashmead, commander, under a fort in the island of Saba, be filed in the office of the secretary of the United States in Congress assembled.

That authenticated copies thereof, signed by the said secretary, be transmitted to their high mightinesses the states-general of the United Provinces, by the minister plenipotentiary of these United States at the court of Versailles ; and that he be directed to apply to them for their aid in procuring satisfaction for the loss of the said brig Eagle and cargo ; and for some assurance that the flag of the United States of America shall be protected from insult when in the ports of the United Provinces.

**TUESDAY, *March 28, 1780.***

*Resolved*, That the resolutions of July 2d, 1779, granting further time for bringing in bills of credit of the emissions of May, 1777, and April 11th, 1778, called out of circulation by the resolution of January 2d, 1779, except the providing clause, be revived and extended to the 1st day of January next :

That all bills of the said emissions not brought in by or before the said first day of January, be afterwards irredeemable.

**WEDNESDAY, *March 29, 1780.***

*Resolved*, That brigadier-general du Portail be directed to repair, with all possible despatch, to the southern army, and put himself under gen. Lincoln, or the commanding officer in the southern department.

**THURSDAY, *March 30, 1780.***

*Resolved*, That the executive of the state of Virginia be requested to supply a sufficient quantity of provisions for the use of the convention prisoners and their guards, at the post of Charlottesville ; such supplies to be credited to the quota of provisions required of the state, by the resolution of the 25th of February last.

FRIDAY, *March* 31, 1780.

*Resolved*, That the resignation of J. Beatty, commissary-general of prisoners, be accepted.

MONDAY, *April* 3, 1780.

The delegates of the state of Connecticut, pursuant to instructions from the legislature of the said state, moved the following resolution, which, at their request, Congress agree shall be entered on the journal :

“ That the several states be authorized, by and with the advice of the commander in chief of the army, to reduce their battalions of infantry in the continental army to a number proportioned to the number of non-commissioned officers and privates, according to the establishment made by a resolution of Congress, of the 27th of May, 1778, and to discharge the supernumerary commissioned officers, who shall be entitled to half pay for seven years from the time of their discharge, to be paid in specie, or other current money equivalent; and also to receive grants of land at the close of the war, agreeable to a resolution of September 16, 1776: that preference be given to officers who shall choose to continue in the service, according to seniority, and that the said reduction be made at such time as the commander in chief shall think most expedient; and that it be recommended to the respective states to make such further provision for the said officers as they may judge reasonable.

*Ordered*, That Thursday next be assigned for the consideration of the foregoing motion.

Congress proceeded to the election of a secretary to the board of treasury, and the ballots being taken, Mr. Charles Lee was elected, having been previously nominated by Mr. Burke.

TUESDAY, *April* 4, 1780.

*Resolved*, That governor Clinton be informed Congress approve the raising a body of 800 militia for the defence of that state; and that they be entitled to receive continental pay and rations, and be employed under the direction of the commander in chief of the continental army for that purpose.

WEDNESDAY, *April* 5, 1780.

The board of treasury having reported, that they have considered the memorials of Joseph Borden and Thomas Lawrence, and James Budden, referred to them, and are of opinion that the commissioners of the loan-office were not authorized to enter into contracts for future delivery of bills of exchange, and that it is not expedient to issue the bills required.

*Resolved*, That Congress agree to the report.

THURSDAY, *April* 6, 1780.

A letter, of the 3d, from gen. Washington, was read; Whereupon,

*Resolved*, That a committee of three be appointed to proceed to headquarters, to confer with the commander in chief on the subject of his letter of the 3d instant, together with a report of the board of war, and the letter from baron Steuben, on the subject of a reduction of the regiments, and the report of the commissioners on the arrangement of the staff departments of the army.

FRIDAY, *April* 7, 1780.

*Resolved*, That a commission of major, to be dated the first of May, 1779, be granted to Joseph Louis Gill, an Indian chief of the St. Francois tribe, and that all Indians of that tribe who are willing to enter into the service of the United States, be collected and formed into a company or companies under

the command of the said Joseph Louis Gill, and receive while in service the like pay, subsistence, and rations, with the officers and soldiers of the continental army.

That the board of war be authorized and directed to fill up commissions for one captain and two subalterns, to be appointed to the said company, or companies of St. Francois Indians, when proper characters are recommended to them to hold such commissions.

SATURDAY, *April 8, 1780.*

*Resolved,* That the application from the state of Massachusetts-Bay for an expedition to be adopted for dislodging the enemy from Penobscot, with the papers relating thereto, be referred to the consideration of the commander in chief of these United States; and that continental pay and rations be allowed to any body of militia, not exceeding 800 men, which the state of Massachusetts-Bay may judge necessary to be raised for the defence of the eastern part of that state.

MONDAY, *April 10, 1780.*

*Resolved,* That when Congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay, occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished by Congress or the states, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of Congress, that all the troops serving in the continental army shall be placed on an equal footing; provided that no person shall have any benefit of this resolution, except such as were engaged during the war, or for three years, and are now in service, or shall hereafter engage during the war, for three years, and are now in service, or shall hereafter engage during the war.

TUESDAY, *April 11, 1780.*

*Resolved,* That the board of war cause enquiry to be made concerning the state of the horses referred to in the letter from J. Cox, and take order for the preservation of such as are the property of the United States; and, for that purpose, that the board request of the president and the supreme executive council of the state of Pennsylvania, so much of the forage, to be furnished by the said state, agreeably to the resolution of Congress of the 25th of February last, as the board may think necessary.

WEDNESDAY, *April 12, 1780.*

*Resolved,* That the balance of money in the hands of the board of admiralty, arising from the sale of wines sold under their direction, be applied in fitting with despatch the ship to Saratoga.

*Resolved,* That lieutenant Honeyman, of the corps of marines, have leave of absence for six months; that, agreeably to his intentions, he may make a voyage to sea, for the recovery of his health.

Instructions to the committee appointed to go to camp.

*Gentlemen,* You are to confer with the commander in chief on the subjects contained in the resolution for your appointment, and such others as are committed to your charge by the following instructions:

1st. You are to consult him on the propriety of reducing the number of regiments: You may, with his advice, reduce, incorporate or unite to state lines the several additional corps.

2d. You, together with the commander in chief, are to limit the number

The board of treasury report, that they have taken into consideration the letter of Jeremiah Wadsworth, late commissary-general of purchases, dated August 3d, 1779, with the papers enclosed, relative to claims for provisions purchased of the inhabitants of the state of New-York, for the use of the militia employed on the frontiers thereof, referred to them by Congress, and are of opinion that the commissary-general ought not to pay such claims, because the provisions do not pass through the hands of the continental commissaries of issues, and are consequently subject to no regular check, and that the state, being informed of the number of troops, can check the expenditures of the provision, and therefore can best adjust and discharge such claims.

*Resolved*, That Congress agree to the said report.

THURSDAY, *April 20*, 1780.

The board of admiralty reported the form of a commission for the naval officers in the employ of the United States, which was agreed to as follows:

The United States of America in Congress assembled to

Greeting:

WE, reposing especial trust and confidence in your valor, conduct and fidelity, do by these presents constitute and appoint you to be in the navy of the United States, to take rank from the You are therefore carefully and diligently to discharge the duty of by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers, marines, and seamen under your command to be obedient to your orders as And you are to observe and follow such orders and directions, from time to time, as you shall receive from Congress, a committee of the states, the board of admiralty, the commander in chief, for the time being, of the navy of the United States, or any other your superior officer, according to the rules and discipline of the navy, and the usage of the sea. This commission to continue in force until revoked by Congress or a committee of the states.

Witness, president of the Congress of the United States of America,  
at the day in the year of our Lord and in the year  
of our independence.

Entered in the admiralty office, and examined by the board.

Attest, Secretary of the board of admiralty.

FRIDAY, *April 21*, 1780.

Mr. James Henry, a delegate for Virginia, attended, and took his seat in Congress.

Whereas it appears to Congress that accidental preferences have been given, in some instances, to particular officers, owing as well to local circumstances as to the want of a certain ratio by which the subsistence of each respective claimant might be ascertained, agreeable to the length of time he had been in captivity; and whereas it further appears to Congress that 26 officers taken at Fort-Montgomery the 16th of October, 1777, and 14 taken between the 16th of October, 1777, and May, 1778, and 17 taken August 22, 1777, at Staten-Island, have received the sum of £ 32, New-York money, more than other officers who were captured about the same period of time; and moreover that those who were on parole upon Long-Island, before the arrival of the Philadelphia prisoners at New-York, have received an allowance of 2 dollars a week of their board, of which those confined in Philadelphia had not the benefit.

*Resolved*, That as Congress mean to extend their care and attention without distinction, to all their officers who have the misfortune to be captured by the enemy, the sum of £ 4194, New-York money, in specie, equal to 10,485



dollars, be placed in the hands of the commissary-general of prisoners, out of which he be directed to pay to each of the officers confined in Philadelphia, while the enemy had possession of the city, and now in captivity, the sum of £ 32 like money, equal to 80 dollars, and the farther sum of        to the same persons respectively, to be computed at the rate of 2 dollars a week from the time of their being prisoners until their board was paid by the public.

That a farther sum of money, in specie, equal to £ 1493, New-York currency, equal to 3732½ dollars, be put into the hands of the commissary-general of prisoners, for the purpose of levelling all the officers, agreeably to the different terms of their captivity, to the end that each individual may, according to his circumstances, participate of an equal share of the public provision.

And whereas it hath been represented to Congress, that a farther sum of money is requisite for all the officers in captivity, as well those who have been lately captured as those who have been in that situation for any length of time, for the purposes of paying their board, purchasing clothing and other necessaries; therefore,

*Resolved*, That the sum of £ 12,463 like currency, in specie, equal to 31,157½ dollars, be advanced to the commissary-general of prisoners, which he be directed to distribute among all the officers in captivity; and that the consideration of any farther allowance or comparative preference be postponed to some future period.

That a farther sum of £ 2500, like money, equal to 6250 dollars, be advanced to the commissary-general of prisoners, for the purpose of supplying the sick soldiers and sailors, in captivity, with necessaries, and for other contingent expenses relating to the prisoners.

*Resolved*, That gen. Washington be empowered, when properly applied to for that purpose, to authorize an agent or commissary of prisoners, appointed by the enemy, to reside in such of these states as he shall direct, and with powers similar to those granted to a like officer in behalf of the United States, and allowed by the enemy to be exercised within their lines.

**MONDAY, April 24, 1780.**

Mr. Joseph Jones, a delegate from Virginia, attended and took his seat.

**TUESDAY, April 25, 1780.**

*Resolved*, That the resignation of lieut. Ludiman, of col. Armand's corps, be accepted.

That the sum of 5000 dollars be granted to lieut. Ludiman, to enable him to return to Europe.

**THURSDAY, April 27, 1780.**

*Resolved*, That the sum of 4,800,000 dollars, ordered to be prepared in loan-office certificates of the denomination of 600 dollars each, by a resolution of Congress of the 11th of June, 1779, for borrowing 20,000,000 dollars, be not prepared; but that in lieu thereof the same sum be prepared in certificates of the following denominations, viz.

100 bills of 10,000 dollars each,	1,000,000	400 bills of 3,000 dollars each,	1,200,000
240 do. of 5,000 do.	1,200,000		
350 do. of 4,000 do.	1,400,000		
			<u>4,800,000</u>

**FRIDAY, April 28, 1780.**

Congress proceeded to the election of a judge of the court of appeals, in the room of Mr. Wythe, and the ballots being taken, Mr. Cyrus Griffin was elected; having been previously nominated by Mr. Jones.

Congress then proceeded to the election of a commissioner of the board of treasury, and the ballots being taken, William Denning, esq. was elected; having been previously nominated by Mr. Floyd.



MONDAY, *May 1, 1780.*

Mr. J. Duane, a delegate for the state of New-York, being returned, laid before Congress the original credentials of the appointment of delegates for that state.

*Resolved*, That the board of treasury and the board of war forthwith take effectual measures for forwarding the troops of the continental army, now under marching orders, for the relief of Charleston.

*Resolved*, That the sugars lately arrived in Philadelphia, consigned to Mr. Blaine, commissary-general of purchases, on account of the United States, be sold for ready money, under the directions of the committee of commerce, and the monies arising from such sales be paid into the continental treasury.

TUESDAY, *May 2, 1780.*

The board of admiralty having reported the form of a commission for private vessels of war, and of the bond to be given by the master and commander of the said private armed vessels, and instructions to the said masters; the same were taken into consideration and agreed to, as follows:

THE FORM OF A COMMISSION.

[L. S.] The Congress of the United States of America, to all to whom these presents shall come, send greeting:

KNOW YE, That we have granted, and by these presents do grant, license and authority to \_\_\_\_\_, mariner, commander of the \_\_\_\_\_ called the \_\_\_\_\_ of the burden of \_\_\_\_\_ tons, or thereabouts, belonging to \_\_\_\_\_ mounting \_\_\_\_\_ carriage guns, and navigated by \_\_\_\_\_ men, to fit out and set forth the said \_\_\_\_\_ in a warlike manner, and by and with the said \_\_\_\_\_ and the officers and crew thereof, by force of arms to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandises belonging to the crown of Great-Britain, or any of the subjects thereof, except the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, and such other ships or vessels bringing persons with intent to settle within any of the United States; which ships or vessels shall be suffered to pass unmolested, the masters thereof permitting a peaceable search and giving satisfactory information of their lading and their destination; or any other ships or vessels, goods, wares or merchandises, to whomsoever belonging, which are or shall be declared to be subjects of capture by any resolutions of Congress, or which are so deemed by the law of nations: and the said ships and vessels, goods, wares and merchandises so apprehended as aforesaid, and as prize taken, to bring into port, in order that proceedings may be had concerning such capture, in due form of law, and as to right and justice appertaineth: and we request all kings, princes, states and potentates, being in friendship or alliance with the said United States, and others to whom it shall appertain, to give the said \_\_\_\_\_ all aid, assistance and succour in their ports, with his said vessel, company and prizes: We, in the name and on behalf of the good people of the said United States, engaging to do the like to all the subjects of such kings, princes, states and potentates, who shall come into any ports within the said United States. And we will and require all our officers whatsoever, to give to the said \_\_\_\_\_ all necessary aid, succour and assistance in the premises. This commission shall continue in force during the pleasure of the Congress, and no longer.

In testimony whereof, we have caused the seal of the admiralty of the United States to be affixed hereunto. Witness his excellency \_\_\_\_\_ esq. president of the Congress of the United States of America, at this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 17 \_\_\_\_\_ and in the \_\_\_\_\_ year of our independence.  
Passed the admiralty-office.

Attest.

Secretary of the board of admiralty.

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 THE FORM OF THE BOND.

Know all men by these presents, that we,  
 are held and firmly bound to A. B. esq. treasurer of the United States of  
 America, in the penalty of 20,000 Spanish milled dollars, or other money  
 equivalent thereto, to be paid to the said A. B. treasurer as aforesaid, or to  
 his successors in that office. To which payment well and truly to be made  
 and done, we bind ourselves, our heirs, executors and administrators, jointly  
 and severally, firmly by these presents. Sealed with our seals, and dated the  
       day of           in the year of our Lord           and in the           year of the  
 independence of the United States.

The condition of this obligation is such, that whereas the above bounden  
       master and commander of the           called the           be-  
 longing to           mounting           carriage guns, and navigated by           men,  
 and who hath applied for and received a commission, bearing date with these  
 presents, licensing and authorizing him to fit out and set forth the said  
 in a warlike manner; and by and with the said           and the officers and  
 crew thereof, by force of arms, to attack, subdue, seize and take all ships  
 and other vessels, goods, wares and merchandise, belonging to the crown of  
 Great-Britain, or any of the subjects thereof, (excepting the ships or vessels,  
 together with their cargoes, belonging to any inhabitant or inhabitants of  
 Bermuda and such other ships or vessels bringing persons with intent to set-  
 tle within the said United States;) and any other ships or vessels, goods, wares,  
 and merchandise, to whomsoever belonging, which are or shall be declared to  
 be subjects of capture by any resolutions of Congress, or which are so deem-  
 ed by the law of nations. If therefore the said           shall not exceed or  
 transgress the powers and authorities given and granted to him in and by  
 the said commission, or which are or shall be given or granted to him by any  
 resolutions, acts or instructions of Congress, but shall in all things govern  
 and conduct himself as master and commander of the said           and the offi-  
 cers and crew belonging to the same, by and according to the said commis-  
 sion, resolutions, acts and instructions, and any treaties subsisting, or which  
 may subsist between the United States of America and any prince, power or  
 potentate whatever: and shall not violate the law of nations or the rights of  
 neutral powers, or of any of their subjects, and shall make reparation for all  
 damages sustained by any misconduct or unwarrantable proceedings of him-  
 self or the officers or crew of the said           then this obligation to be void,  
 otherwise to remain in full force.

Signed, sealed and delivered in the presence of us,

Instructions to the captains and commanders of private armed vessels, which shall have commis-  
       sions or letters of marque and reprisal.

I. You may, by force of arms, attack, subdue and take all ships and other  
 vessels belonging to the crown of Great-Britain or any of the subjects thereof,  
 on the high seas, or between high water and low water marks (except the  
 ships or vessels, together with their cargoes, belonging to any inhabitant or  
 inhabitants of Bermuda, and such other ships and vessels bringing persons  
 with intent to settle and reside within the United States, which you shall  
 suffer to pass unmolested, the commanders thereof permitting a peaceable  
 search and giving satisfactory information of the contents of the lading, and  
 destination of the voyages.) And you may also annoy the enemy by all the  
 means in your power, by land as well as by water, taking care not to infringe  
 or violate the laws of nations, or the laws of neutrality.

II. You are to pay a sacred regard to the rights of neutral powers, and  
 the usage and custom of civilized nations; and on no pretence whatever pre-  
 sume to take or seize any ships or vessels belonging to the subjects of  
 princes or powers in alliance with these United States, except they are em-  
 ployed in carrying contraband goods or soldiers to our enemies; and in such  
 case you are to conform to the stipulations contained in the treaties subsist-

ing between such princes or powers and these states ; and you are not to capture, seize or plunder any ships or vessels of our enemies being under the protection of neutral coasts, nations or princes, under the pains and penalties expressed in a proclamation issued by Congress the 9th day of May, Anno Domini, 1778.

III. You shall bring such ships and vessels as you shall take, with their guns, rigging, tackle, apparel, furniture and ladings, to some convenient port or ports, that proceedings thereupon may be had, in due form of law, concerning such captures.

IV. You shall send the master, or pilot, and one or more principal person or persons of the company of every ship or vessel by you taken in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be propounded, touching the interest or property of the ship or vessel and her lading ; and at the same time you shall deliver, or cause to be delivered, to the judge or judges, all passes, sea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

V. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly authorized, be adjudged lawful prize, or acquitted, not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

VI. If you, or any of your officers or crew, shall in cold blood, kill or maim, or, by torture or otherwise, cruelly, inhumanly, and contrary to common usage and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

VII. You shall, by all convenient opportunities, send to the board of admiralty written accounts of the captures you shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

VIII. One-third at least, of your whole company, shall be landmen.

IX. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port ; and if, from any necessity, you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruise, make report thereof on oath, to the judge of the admiralty of the state to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal. And you are to deliver, at your expense, or the expense of your owners, the prisoners you bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county jail.

X. You shall observe all such further instructions as Congress shall hereafter give in the premises, when you shall have notice thereof.

XI. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved, for damages sustained by such malversation.

*Resolved*, That the board of admiralty be empowered and directed to cause to be printed, so many copies of said forms as they shall judge necessary.

*Resolved*, That the president transmit to the governors or presidents of the respective states, so many copies of the said forms, as the board of ad-

miralty shall advise, and at the same time inform them, that it is the intention of Congress, that all commissions and instructions now in force, be cancelled as soon as possible, and commissions, bonds and instructions of the new form be substituted in place thereof.

**WEDNESDAY, May 3, 1780.**

*Resolved*, That until the further order of Congress, the deputy pay-masters general, under the pay-master general of the armies of the United States, be allowed at the rate of 8-10ths per cent. on the moneys which they may pay out respectively to the army; and that this commission have retrospect to commence from the 29th day of May, 1779, when the pay-office was last regulated: that the said allowance be in full payment for the services of themselves and assistants, and in full compensation of all expenses, except one ration a day each, while at camp, for themselves and assistants.

**THURSDAY, May 4, 1780.**

A letter, of April 12, from T. Hosmer, was read, acquainting Congress of his acceptance of the office of judge of the court of appeals, to which they have been pleased to appoint him.

A letter, of this day, from C. Griffin, was read, expressing his thanks for the confidence reposed in his integrity and abilities, by appointing him one of the judges of the court of appeals, and informing, that as he is delegated by the state of Virginia to a different employment, he does not think himself justifiable in a peremptory acceptance of the office, without the approbation of his constituents; but that, in the mean while, if Congress shall think proper, he will undertake the business of a judge, and endeavor to pay that attention which so important a commission may require.

The board of admiralty reported the device of a seal for the admiralty of the United States: the arms, thirteen bars mutually supporting each other, alternate red and white, in a blue field, and surmounting an anchor proper. The crest a ship under sail. The motto *SUSTENTANS ET SUSTENTATUS*. The legend *U. S. A. Sigil. Naval*.

*Ordered*, That the same be engraved, and used as the seal of the board of admiralty of the United States of America.

**FRIDAY, May 5, 1780.**

*Resolved*, That the present rates of postage be doubled:

That all masters of packets and other vessels in continental service be, and they are hereby, required to lodge whatever letters they bring from abroad, in the post-office nearest to the port where they shall arrive, and immediately after their arrival:

That the resolution of Congress of the 7th of January last, allowing reasonable expenses to the surveyors while travelling the roads, be and it is hereby repealed.

*Ordered*, That the board of treasury report advances to the post-master general, the comptroller and surveyors, from time to time, on account of their salaries, and that the salary of the post-master general, the comptroller and surveyors, be considered when all other salaries are to be fixed by a new establishment.

**TUESDAY, May 9, 1780.**

An appeal from the judgment of a court of admiralty in the state of North-Carolina, on the libel "John Brag versus sloop Dove," was lodged with the secretary and referred to the court of appeals.

**WEDNESDAY, May 10, 1780.**

A letter, of the 9th, from le baron de Beniowski, was read:

*Ordered*, That the secretary inform le baron de Beniowski, that the request contained in his letter of the 9th, cannot be complied with.

A letter, of this day, from major-gen. B. Arnold, was read, informing that "on examining the report of the board of treasury on his public accounts, he finds himself under the necessity of appealing to the honorable the Congress, and requesting the favor of that honorable body to point out the method of proceeding in appeals from the board of treasury, and to be informed when he can be heard on the subject of the appeal."

*Ordered*, That major-gen. Arnold be informed he is at liberty to state in writing any objections he may have to the report of the board of treasury on his accounts, and to lay them before Congress.

*Resolved*, That loan-office certificates, destroyed through accident, be renewed at the offices where they first issued, and delivered to the persons who shall appear to have been the holders of them at the time they were destroyed, on the following terms, viz.

1st. That all certificates so destroyed, be advertised immediately in the news-papers of the state where the accident happened; and, if they have been taken out of the loan-office of a different state, in the news-papers of such state also; and in every case where no news-papers are printed in a state, then in one or more of those which circulate most generally therein; which advertisement shall be continued six weeks, and shall contain the numbers, dates, sums, names in which the certificates were taken out, and the time when, the place where, and the means by which they were destroyed.

2d. That a copy of the advertisement be lodged in the loan-office whence the certificates issued, together with such testimony as can be procured, ascertaining the time when, the place where, and the means by which the destruction happened; which copies and testimonies shall be duly certified by the loan-officer, to be laid by the party claiming the renewal before the board of treasury, who shall finally decide on the sufficiency thereof.

3d. That the party claiming the renewal enter into bond to such loan-officer on behalf of the United States, with two or more sufficient freeholders, as securities, in double the amount of the value of the certificates claimed to be renewed, with condition to indemnify the United States against the holders of the certificates said to be destroyed, should any such afterwards appear.

4th. That no certificates be renewed before the expiration of three months after the publication of the advertisement above mentioned.

5th. That where a demand is made by virtue of a letter or warrant of attorney, such letter or warrant be first legally proved and recorded, and an authenticated copy lodged in the loan-office where the demand is made.

6th. That the renewed certificates be of the same tenor and date with those destroyed, and that the payments of interest, where any have been made, be regularly endorsed, as they appear on the loan-office books; and that they bear a mark to distinguish them from the originals, which mark shall be entered in the loan-office books.

*Ordered*, That the board of treasury prepare and forward to the respective loan-officers the form of a bond, with the necessary instructions, to direct them in the execution of the aforesaid resolution; and that they state the sum to be paid by the applicants to the United States for certificates renewed, and the fees to be taken by the loan-officer.

MONDAY, May 15, 1780.

Mr. G. Walton, Mr. E. Telfair, Mr. W. Few, delegates from Georgia, attended and produced their credentials, which were read.

TUESDAY, May 16, 1780.

*Resolved*, That the sum of 5000 dollars, currency of these states, and a bill



of exchange for 250 dollars in specie, be paid to captain Pasche, late of count Pulaski's legion, (which being dissolved, Congress have no means of employing captain Pasche, though a deserving officer) to enable him to return to Europe :

A letter, of the 13th, from general Washington, and one of this day from major-general the marquis de la Fayette, were read ; Whereupon,

On motion of Mr. Duane, seconded by Mr. Livingston,

**Resolved**, That Congress consider the return of the marquis de la Fayette to America to resume his command, as a fresh proof of the disinterested zeal and persevering attachment which have justly recommended him to the public confidence and applause ; and that they receive with pleasure a tender of the further services of so gallant and meritorious an officer:

### WEDNESDAY, May 17, 1780.

A report from the board of war was read, enclosing a letter from brigadier Knox, recommending the Rev. Mr. Samuel Blair to be chaplain to the brigade of artillery ; Whereupon,

**Resolved**, That the Rev. Mr. Samuel Blair be appointed chaplain of the brigade of artillery ; and that this appointment have effect as if made on the first day of March, 1779, from which time he has officiated as chaplain to the brigade.

### FRIDAY, May 19, 1780.

Congress resumed the consideration of the report of the committee on the memorial of the hon. minister plenipotentiary of France ; Whereupon,

**Resolved**, That the states of Virginia, Maryland, Delaware, Pennsylvania, New-Jersey, New-York, Connecticut, Rhode-Island, Massachusetts-Bay, and New-Hampshire, be most earnestly called upon to collect and pay into the continental treasury, immediately, if possible, and, at all events, within thirty days from this time, 10,000,000 dollars, for the special purpose hereafter mentioned, in the following proportions ; the payments to be credited to the said states respectively, on their quotas of money due to the United States to the first day of March last, viz.

Virginia,	-	-	-	1,953,200	Connecticut,	-	-	-	1,329,150
Maryland,	-	-	-	1,234,350	Rhode-Island,	-	-	-	156,250
Delaware,	-	-	-	132,800	Massachusetts-Bay,	-	-	-	1,794,950
Pennsylvania,	-	-	-	1,796,950	New-Hampshire,	-	-	-	312,450
New-Jersey,	-	-	-	703,950					
New-York,	-	-	-	585,950					10,000,000

**Resolved**, That bills be immediately drawn under the direction of the board of treasury, on the hon. Dr. B. Franklin, for 25,000 dollars, and on the hon. John Jay, for 25,000 dollars, payable at sixty days sight : that they be offered for sale in Massachusetts-Bay, Rhode-Island, Connecticut, Pennsylvania, Maryland, and Virginia, in the following proportions, viz.

Massachusetts-Bay,	20,000 dollars.	Pennsylvania,	-	-	10,000 dollars.
Rhode-Island,	-	3,000 do.	Maryland,	-	5,000 do.
Connecticut,	-	8,000 do.	Virginia,	-	4,000 do.

**Resolved**, That the money to be raised as aforesaid be appropriated and applied solely to the bringing the army into the field, and forwarding their supplies in such manner as the exigency and nature of the service may require.

**Resolved**, That the committee at head-quarters be directed to expedite the drawing forth the supplies of the states required by the resolution of Congress, of the 25th day of February last, as the exigency and nature of the service may require, and the commander in chief shall judge them necessary.

That in case of any extraordinary emergency, more of any of the articles enumerated in the said resolution shall become necessary than is therein



provided for, the said committee, with the advice of the commander in chief, do apply to the legislative or executive powers of any of the states aforesaid, from New-Hampshire to Virginia, inclusive, as may be most convenient, to have them immediately purchased at the expense of the United States, or otherwise procured on the credit of the same, if necessity shall so require:

That the said committee give directions for procuring any other articles not provided for in the said resolution of the 25th of February, which the exigency of the service may require, may, in the opinion of the commander in chief render necessary, direct the proper applications to the civil magistrates of any of the states, for obtaining them in such manner as shall not admit of delay.

That the said committee be also authorized to give assurance where any of the aforesaid articles shall be purchased or otherwise procured on the credit of the United States, that the just value of the same shall be paid, with interest at six per cent. as fast as money can be raised for that purpose.

That the said committee report their proceedings to Congress once a fortnight.

*Resolved*, That the legislatures from New-Hampshire to Virginia, inclusive, be requested to invest their executive authority, or some other persons, with such powers as will enable them, on the application of the committee aforesaid, to draw forth, at this critical period, the resources of the state.

#### SATURDAY, *May 20*, 1780.

*Resolved*, That the several states be earnestly requested to forward their quotas of troops, to join their respective corps of the army, as soon as possible.

#### MONDAY, *May 22*, 1780.

A letter, of the 17th, from general Washington, and a letter, of March 1, from lieutenant-colonel Fleury, requesting a prolongation of his furlough, were read; Whereupon,

*Resolved*, That the furlough heretofore granted to lieutenant-colonel Fleury, be farther extended for the space of nine months.

*Resolved*, That in the opinion of Congress it is highly inexpedient for any of the states to permit the exportation of provisions to foreign parts, until the exigencies of the public service are more fully ascertained and provided for than at present.

That it be most earnestly recommended to the Delaware state, again immediately to lay an embargo on the exportation of provisions from that state, and to continue the same until it shall be consistent with the public safety that the like embargoes should be discontinued in all the United States.

*Ordered*, That a copy of the foregoing resolutions be transmitted to the president of the Delaware state, and also to the president of the supreme executive council of the commonwealth of Pennsylvania, in answer to his letter of the 6th.

#### TUESDAY, *May 23*, 1780.

*Resolved*, That the director-general, or in his absence, deputy-director general, of the hospitals in the eastern district, be and he is hereby directed to hire a suitable house at or near the port of New-London, in the state of Connecticut, for the reception of such sick American prisoners as shall, from time to time, be exchanged and landed in that neighbourhood; and that one senior surgeon or physician, and a suitable number of mates, be occasionally employed therein, as the number of sick shall increase or diminish.

#### WEDNESDAY, *May 24*, 1780.

The board of treasury, to whom was referred the report of the committee of foreign affairs, relative to Samuel W. Stockton, lately employed by the

honourable W. Lee, esq. late commissioner of the United States, at the courts of Vienna and Berlin, brought in a report, which was taken into consideration; and thereupon,

*Resolved*, That the said Samuel W. Stockton be allowed a salary, at the rate of £ 300 sterling per annum, while he was employed by the said William Lee :

That he be debited with the monies which he has received from the said William Lee; and that the whole of the papers be referred to the auditor-general, in order that the account may be liquidated, agreeably to the principles aforesaid.

*Resolved*, That the stile of the court of appeals appointed by Congress, be, "The Court of Appeals in Cases of Capture."

*Resolved*, That the judges and register of the said court, shall respectively take an oath of office before they enter upon the duties of the same.

That the oath of the judges be in the words following, viz.

"You do swear or affirm, that you will well, faithfully and impartially execute the office of one of the judges of the court of appeals in cases of capture, according to the best of your skill and judgment. So help you God."

That the oath of the register of the said court shall be in the words following :

"You do swear or affirm, that you will well and faithfully execute the office of register of the court of appeals in cases of capture, according to the best of your skill and judgment. So help you God."

That the judges of the said court shall be qualified in the manner aforesaid, before the president of Congress, and certificates thereof lodged in the office of the secretary of Congress; and that the register shall be qualified before the said judges, and certificate thereof lodged in the said court of appeals.

*Resolved*, That appeals from the courts of admiralty in the respective states, be, as heretofore, demanded within five days after definitive sentence; and in future such appeals be lodged with the register of the court of appeals in cases of capture within forty days thereafter, provided the party appealing shall give security to prosecute such appeal to effect.

*Resolved*, That all matters respecting appeals in cases of capture, now depending before Congress, or the commissioners of appeals, consisting of members of Congress, be referred to the newly erected court of appeals, to be there adjudged and determined according to law; and that all papers touching appeals in cases of capture, lodged in the office of the secretary of Congress, be delivered to and lodged with the register of the court of appeals.

*Resolved*, That the memorial of James Wilson, in behalf of the commissioners of the admiralty of the United States, respecting the Sandwich Packet, and the papers accompanying the said memorial, be transmitted to the said court of appeals.

#### FRIDAY, May 28, 1780.

*Resolved*, That the request contained in the memorial of John Skey Rustace, late a major in the army of the United States, to be allowed the benefits of the resolution of the 10th of April last, for making good to the army the deficiency of their original pay, occasioned by the depreciation of the continental bills of credit, cannot be granted.

*Resolved*, That the mode of carrying into effect the resolution of Congress of the 21st of April last, respecting an agent or commissary of prisoners, be submitted to the discretion of the commander in chief.

Whereas it is represented that large arrears are due to the inhabitants of sundry of these states for provision, forage, and other articles, furnished by them to the departments of the commissary-general of purchases, and quarter-master general, for the public service, and for which they have received

notes or certificates, signed by persons appointed to purchase the said articles, the payment whereof hath been delayed, to the prejudice of many of the holders, and for which money cannot, in the present circumstances, be issued from the treasury : therefore,

*Resolved*, That it be recommended to the legislatures of the respective states wherein such notes or certificates have been heretofore given, and remain unpaid, to empower the collectors of the continental taxes, due to the 1st of March last, to receive in payment thereof such notes or certificates, from the persons in whose names they have been given, on the following conditions :

That the persons paying in the said notes or certificates, endorse the same to the collectors, who may receive them, and also take an oath or affirmation before a magistrate, that they have been obtained for the value and the articles therein expressed, delivered for the use of the United States, and for which no payment hath been made ; which oath or affirmation shall be endorsed on each note or certificate :

That in cases when the notes or certificates held by any person, shall exceed the amount of the taxes due from such person, at the time they are paid in, the surplus be credited by the state to such person, and allowed in future taxes, under such checks and securities as the respective legislatures may think best suited to their different modes of collection ; and that such surplus bear an interest of six per cent. till thus discounted.

*Resolved*, That the said notes or certificates, so endorsed and received by the collectors as aforesaid, being by the treasurer of such state delivered to the principals of the respective departments, from whom payment is due, or their agents in the city of Philadelphia, and the receipts of the said principals or agents, making the principals accountable for the amount of the notes or certificates paid as aforesaid, being lodged with the board of treasury of the United States ; the respective states shall thereupon have credit for the same on their quotas of taxes due to the 1st of March last ; and if the amount shall, in any case, exceed the said quotas, the balances shall be paid to the respective states to whom they may be due :

Provided that nothing contained in the foregoing resolution shall be construed to exonerate any state from the payment of orders already drawn, or to affect the requisition of Congress of the 19th day of the present month.

SATURDAY, *May* 27, 1780.

*Resolved*, That the resignation of ensign John M'Guire, of the 3d Maryland regiment, be accepted.

Whereas it appears to Congress, by a representation from the commercial committee, that thirteen invoices of goods have been shipped in the years 1777 and 1778, from Bilboa, by Messrs. Gardoqui and sons, by order of Arthur Lee, esq. in the following vessels, viz. the Lydia, capt. Andrew, Alexander, capt. Williamson, Charlotte, capt. Sinclair, Success, capt. Gerish, Neptune, capt. Lee, Tabby, capt. Hodges, John, capt. Woodberry, Wennesty Deal, capt. Vickory, Nancy, capt. Ingersol, George, capt. Knight, Lively, capt. Dupee, Hawk, capt. Smith, and Scorpion, capt. Ivis :

And whereas the said goods were expressed by the invoices to be on account of Elbridge Gerry, esq. and such part thereof as arrived safe has been received by James Warren, esq. the public agent, to whom they were addressed :

*Resolved*, That the said Elbridge Gerry, esq. be indemnified by the United States from any cost or charges that have been or shall be made against him on account of the goods so shipped, and that any claims relative thereto be exhibited to the commercial committee of Congress.

Congress took into consideration the report of the committee appointed to confer with the hon. the minister of France ; and thereupon,

**Resolved**, That the board of admiralty be directed to fit for sea, with the utmost expedition, the several ships of war and frigates now in port :

That it be earnestly recommended to the respective states, within whose ports any of the said ships or frigates may be, to afford every assistance to the board of admiralty, on their application for artificers, labourers and materials for preparing the same for sea, and for completing their complement of men.

**Resolved**, That Congress will defray every necessary expense which any state shall incur in consequence of the above resolution.

And whereas it is proper to make provision for repairing any damages which the fleets of our allies may sustain by storms or otherwise :

**Resolved**, That the board of admiralty be directed to cause as many masts, yards and spars as they shall deem necessary for the above purpose, to be procured :

That the board of admiralty be also directed to settle signals with the commanding officers of any ship or ships of our ally, which may now or shall hereafter be, upon the coasts of the United States.

And for the promoting of harmony and forwarding the common views of France and America :

**Resolved**, That it be recommended to the legislatures of these United States to pass laws for the punishment of such persons as shall encourage desertions from the fleets or armies of any foreign power who shall prosecute the war in America in conjunction with these United States, and for recovering such deserters as shall endeavor to conceal themselves among the inhabitants.

**Resolved**, That 300 hogsheads of the sugars in the hands of John Bradford, continental agent at Boston, be by him converted into money, and the same transmitted to the continental treasury, without loss of time ; notwithstanding any former resolution of Congress to the contrary.

#### MONDAY, May 29, 1780.

A letter, of the 8th, from president Wear, of the state of New-Hampshire, was read, inclosing an act passed by the legislature of that state, pursuant to the resolutions and recommendations of the 18th of March last :

The delegates of Massachusetts-Bay laid before Congress an act of the legislature of that state, in pursuance of the said resolutions of March 18th.

#### TUESDAY, May 30, 1780.

Mr. Armstrong, a delegate for Pennsylvania, attended and took his seat in Congress.

A memorial of John M<sup>r</sup> Allister was read, inclosing a copy of the record of his trial and acquittal by the verdict of a jury, upon an indictment for the frauds mentioned in the resolution of Congress of the 22d of June, 1779.

A memorial from the officers of the 5th New-York regiment was read ; Whereupon,

**Resolved**, That it is not expedient at present to make any partial reduction in the army of the United States.

**Resolved**, That lieutenant-colonel John Bailey be informed, that, from a consideration of all circumstances, Congress do not judge it expedient at present to appoint another brigadier from the line of the troops of Massachusetts-Bay.

#### WEDNESDAY, May 31, 1780.

A letter, of the 27th, from general Washington, and one, of the 28th, from the committee at head-quarters, were read :

**Ordered**, That the letter from general Washington be referred to a com-

mittee of three: the members chosen, Mr. Ellsworth, Mr. Armstrong and Mr. Duane.

*Ordered*, That the committee be instructed to confer on the subject of the letter with a committee of the general assembly and supreme executive council of Pennsylvania.

*Ordered*, That, on the application of Mr. Gerry, Mr. Holten and Mr. Lovell, delegates for the state of Massachusetts-Bay, a warrant issue on the treasurer, in their favour, for 1800 dollars; the said state to be accountable:

That, on the application of J. Wilkinson, clothier-general, approved by the board of war, a warrant issue on Joseph Borden, commissioner of the continental loan-office for the state of New-Jersey, in his favour, for 54,000 dollars, for the use of the hide department, and for which the said James Wilkinson is to be accountable:

That a warrant issue on Gerard Bancker, treasurer of the state of New-York, in favour of Charles Pettit, assistant quarter-master general, on account of Nathaniel Greene, quarter-master general, for 110,000 dollars (part of the monies raised in the said state for the use of the United States), for the purpose of paying three months' pay to the batteau-men who are engaged at Albany, to serve for the campaign; and for which the said Nathaniel Greene is to be accountable.

#### · THURSDAY, *June 1, 1780.*

Mr. Benjamin Huntington, a delegate from the state of Connecticut, attended and took his seat in Congress.

Mr. T. Matlack, a deputy for Pennsylvania, attended, when the credentials of the delegates of that state were read.

The committee to whom was referred the letter, of May 27th, from general Washington, and who were directed to confer thereon with a committee of the general assembly and supreme executive council of the state of Pennsylvania, reported the result of their conference, and the measures pursuing by the said state: Whereupon,

*Resolved*, That the supplies which any of the states shall, upon requisition for that purpose, furnish of articles not required from them by the resolution of the 25th day of February last, or to a greater amount than is required by the said resolution, shall be credited them in a future requisition of specific supplies from the several states, or in lieu of the like value of other articles, which such states are already called on to furnish, or, at the election of the state, shall be paid for, with interest at six per cent. as fast as money can be procured for that purpose.

*Resolved*, That his excellency governor Livingston, be informed, in answer to his letter of May 16th, that sundry applications have heretofore been made to Congress for relief in cases that are not distinguishable from the case of John Hopper, mentioned in his letter aforesaid, and many cases exist to which the principle advanced by his excellency will apply; but Congress, though deeply affected by their calamities, have not yet found it expedient to enter into a consideration of measures for the particular relief of such sufferers; nor is it probable that the inevitable exigencies of the war will permit Congress to enter into such considerations until peace shall be restored to the United States.

#### FRIDAY, *June 2, 1780.*

Mr. Daniel of St. Thomas Jenifer, a delegate for the state of Maryland, attended and produced the credentials of his appointment, which were read.

Congress resumed the consideration of the report of the committee on sundry papers respecting the New-Hampshire Grants, and thereupon came to the following resolutions:



Whereas it is represented to Congress, and by authentic evidence laid before them it appears, that the people inhabiting the district of country commonly known by the name of the New-Hampshire Grants, and claiming to be an independent state, have, notwithstanding the resolutions of Congress of the 24th of September, and 2d of October, proceeded as a separate government to make grants of lands and sales of estates by them declared forfeited and confiscated; and have also, in divers instances, exercised civil and military authority over the persons and effects of sundry inhabitants within the said district, who profess themselves to be citizens of and to owe allegiance to the state of New-York.

*Resolved*, That the acts and proceedings of the people inhabiting the said district, and claiming to be an independent state as aforesaid, in contravening the good intentions of the said resolutions of the 24th of September and the 2d of October last, are highly unwarrantable, and subversive of the peace and welfare of the United States:

That the people inhabiting the said district, and claiming to be an independent state as aforesaid, be, and they hereby are, strictly required to forbear and abstain from all acts of authority, civil or military, over the inhabitants of any town or district who hold themselves to be subjects of, and to owe allegiance to, any of the states claiming the jurisdiction of the said territory, in whole or in part, until the decisions and determinations in the resolution afore-mentioned shall be made.

And whereas the states of New-Hampshire and New-York have complied with the said resolutions of the 24th of September and the 2d of October last, and by their agents and delegates in Congress declared themselves ready to proceed in supporting their respective rights to the jurisdiction of the district aforesaid, in whole or in part, according to their several claims, and in the mode prescribed in the said resolutions: and whereas Congress, by their order of the 21st of March last, did postpone the consideration of the subject of the said resolutions, nine states, exclusive of those who were parties to the question, not being represented; and by their order of the 17th of May last, have directed that letters be written to the states not represented, requesting them immediately to send forward a representation;

*Resolved*, That Congress will, as soon as nine states, exclusive of those who are parties to the controversy, shall be represented, proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New-Hampshire, Massachusetts-Bay, and New-York, respectively, or such of them as shall have passed such laws as are mentioned in the said resolutions of the 24th of September and the 2d of October last, on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

MONDAY, June 5, 1780.

Mr. Whitmill Hill, a delegate from North-Carolina, attended and took his seat in Congress.

Mr. Ezekiel Cornell, a delegate for Rhode-Island and Providence Plantations, attended and produced the credentials of his appointment.

Mr. Ingersoll, a delegate for Pennsylvania, attended and took his seat in Congress.

*Resolved*, That the board of war be directed to send to the state of North-Carolina 5000 stand of arms, with powder, lead, flints, and other suitable stores for 10,000 troops.

*Resolved*, That a brevet commission of lieutenant-colonel of cavalry be granted to Mons. Louis Kthis de Corny.

That Monsieur de Corny be furnished with letters from the president to



the supreme executive powers of the several states, or to such of them as Mons. de Corny shall apply for, requesting their advice and aid to him in procuring provisions and other necessaries for the forces of his most Christian majesty expected to arrive in these United States, in such manner as will best avoid a competition of purchases for the use above mentioned and those for the use of the United States.

That the hon. the minister of France be informed that it is the opinion of Congress that the public service will be best promoted by having the same currency made use of, as far as may be, to procure supplies for the forces of his most Christian majesty as for those of these United States.

That the governors of Virginia and Maryland be requested immediately to engage trusty persons in these states respectively, at proper distances from each other, on the main road from Cape Henry, in Virginia, to Philadelphia, to hold themselves in readiness, should the French fleet be discovered off that cape or the adjacent coasts, to forward intelligence thereof, and any despatches that may be received from them to Congress, in the most expeditious manner.

#### TUESDAY, *June 6, 1780.*

Mr. Bee, a delegate for South-Carolina, attended and took his seat in Congress.

*Resolved*, That the board of war be directed to send forward, with all possible expedition, such articles of horse furniture, arms and accoutrements, as may be wanted for the use of the cavalry in the southern army.

*Resolved*, That the resolution of the 5th, directing the board of war to send forward arms and military stores to the state of North-Carolina, be executed for the present only to the extent of 3000 stand of arms, and military stores for 6000 troops.

#### WEDNESDAY, *June 7, 1780.*

*Ordered*, That the board of admiralty cause sale to be made, at public auction, of the sloop West-Florida, and pay the proceeds into the treasury of the United States, to be applied to the use of the navy; and that the crew of the said sloop be turned over to the ships of war now fitting out in this harbor.

#### THURSDAY, *June 8, 1780.*

*Resolved*, That John Lawrence and Rhoderick Lawrence be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Connecticut, pursuant to the resolution of Congress of the 18th of March last.

#### FRIDAY, *June 9, 1780.*

Nine states being represented, exclusive of New-Hampshire, Massachusetts-Bay, and New-York,

A motion was made by Mr. Livingston, seconded by Mr. Scott, agreeably to the resolution of the 2d instant, to proceed to hear and examine into, and finally determine the disputes and differences relative to jurisdiction, between the three states of New-Hampshire, Massachusetts-Bay, and New-York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24th of September and 2d of October last, on the one part, and the people of the district commonly known by the name of the New-Hampshire Grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

But it being represented on the part of New-Hampshire, that the agent specially appointed for that business, is not now present, and, from the great distance, cannot soon attend Congress,

On motion of Mr. Walton, seconded by Mr. Folsom,

*Ordered*, That the second Tuesday in September next be assigned to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction, between the three states of New-Hampshire, Massachusetts-Bay and New-York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24th of September and 2d of October last, on the one part, and the people of the district commonly known by the name of the New-Hampshire Grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

*Ordered*, That copies of the foregoing order be sent to the states of New-York, New-Hampshire and Massachusetts-Bay, and to the people of the district aforesaid.

MONDAY, June 12, 1780.

*Resolved*, That the committee at head-quarters be instructed immediately to give orders for stopping all issues of provisions and forage, except to the army and militia in actual service, and such persons as are attached to the military in camp or on march, under such particular exceptions only as they, on advising with the commander in chief, may judge absolutely indispensable.

That the value of a ration be settled by the board of war, and allowed in money to such as are now entitled to draw from the public stores, and may be precluded for the future in consequence of such orders.

*Resolved*, That the president of the state of Delaware be informed, that the public exigencies require an immediate and decisive answer to the resolution of Congress of the 22d day of May, respecting an embargo on the exportation of provisions from the said state.

Whereas large accounts in the several staff departments in the army are outstanding and unsettled, and it is necessary that they be speedily and finally adjusted, in order that all disbursements may be clearly ascertained and arrears discharged;

*Resolved*, therefore, That two extra chambers of accounts, consisting of two commissioners each, be appointed, to continue in office as long as may be necessary, for the settlement of the said accounts, or any others which may be referred to them.

That the commissioners of the chambers of accounts, be respectively under the direction of the board of treasury, to repair to such posts or places as the public service may from time to time require, for the purpose of examining and adjusting any of the said accounts.

That, when thus employed, their reasonable travelling charges be allowed, in addition to their pay.

That the pay of the said commissioners respectively be the same as that of those already appointed.

That the board of treasury be authorized to apply to the executive power of any state to appoint a temporary commissioner or commissioners, for the special purpose of joining with a commissioner sent from the said board to receive and liquidate any of the aforesaid accounts within such state, who, being duly qualified before a magistrate, and the qualification lodged in the treasury, shall respectively have the same power, and be entitled to the same emoluments for the time he is in office, as a commissioner of the chambers at the treasury.

TUESDAY, June 13, 1780.

*Resolved*, unanimously, That major-general Gates immediately repair to, and take command in, the southern department.

WEDNESDAY, June 14, 1780.

Mr. Artemas Ward, a delegate for the state of Massachusetts-Bay, attended and took his seat in Congress.

Mr. John Hanson, a delegate for the state of Maryland, attended and produced the credentials of his appointment, which were read.

*Resolved*, That the resignation of captain Levin Handy, of the 5th Maryland regiment, and ensign Samuel Claypole, of the 1st Pennsylvania regiment, be accepted; the resignation of the former to take place from the 1st of May last.

*Resolved*, That major-general Gates be and he is hereby authorized to call on the states of Virginia, North-Carolina, South-Carolina, and Georgia, for such aids of militia and supplies as he shall deem necessary; and it is recommended to the governments of the said states to comply with such requisitions.

That major-general Gates be and he is hereby authorized to appoint a deputy adjutant-general, a deputy pay-master general, and all other staff officers necessary for the organization of the southern army; the said officers to remain in service until the pleasure of Congress is known.

That major-general Gates be and he is hereby authorized and empowered to take such measures, from time to time, for the defence of the southern states as he shall think most proper: and it is earnestly recommended to the governments of the said states to give every assistance in their power for carrying such measures into execution.

*Resolved*, That the board of war be directed to continue their attention to the estimates for advances to the departments of the quarter-master general and commissary-general of purchases, and military stores, as far as circumstances will admit, in order to enable the board of treasury to decide on the merits of requisitions for such advances, and report thereon to Congress.

A report from the board of treasury was read, enclosing a letter from Eleazer Wales, commissioner of accounts at Albany, wherein he begs leave to resign his office, and represents the inadequate compensation that has been allowed for his services: Whereupon,

*Resolved*, That the resignation of the said Eleazer Wales, be accepted, and that the consideration of his pay be postponed until general provision shall be made relieving against the effects of depreciation.

FRIDAY, June 16, 1780.

A report from the board of war, was read: Whereupon,

*Ordered*, That brigadier-general Weedon be called into service, and employed in the southern department, as major-general Gates shall direct.

*Ordered*, That colonel Daniel Morgan, of the Virginia line, be called into service, and employed in the southern army as major-general Gates shall direct.

*Resolved*, That Nicholas Gilman, esq. and John Taylor Gilman, esq. be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of New-Hampshire, pursuant to the resolution of Congress of the 18th day of March last.

Congress proceeded to the election of two commissioners of the chambers of accounts, in the room of Mr. Eleazer M'Comb and the late Mr. Mumford; and the ballots being taken, Mr. Peter R. Fell and Mr. George Messam were elected; the former having been previously nominated by Mr. Houston and the latter by Mr. Scott.

Congress farther proceeded to the election of commissioners for the two extra chambers of accounts, agreeably to the resolution of the 12th, and the ballots being taken, the following gentlemen were chosen, viz. Mr. Joseph Bullock and Mr. Jonathan Burrall; the former having been previously nominated by Mr. Searle, and the latter by Mr. Burke.

**SATURDAY, June 17, 1780.**

Whereas it is essential to the due direction of the public affairs, that the superintending power should be intimately acquainted with the measures that have been pursued, in consequence of their resolves, by those on whom, from the nature of the government, the execution of them devolves: and whereas it is equally necessary to examine the source from which the public embarrassments spring:

**Resolved,** That the United States, from New-Hampshire to South-Carolina, inclusive, except such of them as have made returns of their transactions, be requested, at this critical juncture, to inform Congress with the utmost expedition, what measures they have taken in consequence of the several resolutions, a list of which is hereunto annexed.

**Ordered,** That the secretary annex to the above resolution a list of the resolutions which have been passed by Congress since the 1st day of January, 1779, requiring from the United States a supply of men, money and provisions, in order to be transmitted herewith to each of the abovementioned states.

**Resolved,** That the executive power of the state of Virginia, be earnestly requested to order a reinforcement of 5000 militia, including any that may be now in service, to join the southern army with all possible despatch.

That the executive power of the state of North-Carolina, be earnestly requested to order a reinforcement of 4000 militia, including such as are now in service, to join the said army.

That it be recommended to the state of Virginia to keep in readiness an additional force of 3000 militia: and to the state of North-Carolina, to keep in readiness an additional force of 2000 militia, in order to join the southern army upon the shortest notice.

That no supplies of men, and no provisions except bacon, and so much grain as the executive of the state of Virginia conceive can be spared from the southern army, they bearing in mind that the wants of the grand army are at this time extremely pressing—be removed to the northward of the state of Virginia, until the further order of Congress

That the monies raised for the use of the United States, in the state of Maryland, and the states to the southward thereof, be appropriated to the supply of the military chest and exigencies of the war in the southern department, until the further order of Congress.

That the board of war be directed to take effectual measures for supplying the said department with all necessary military stores.

**MONDAY, June 19, 1780.**

Mr. Sherman, a delegate for the state of Connecticut, attended and took his seat in Congress.

**Resolved,** That it be earnestly recommended to the states of Virginia and North-Carolina, to use their utmost exertions to recruit, remount and equip Baylor's and White's regiment of light dragoons, so as to complete them at least 150 rank and file in each regiment:

That it be recommended to gen. Washington, if not incompatible with the service, to order the infantry belonging to major Lee's corps, now in Virginia, to proceed on their route and join the southern army, there to be employed as the commanding officer in that department shall think best.

Congress took into consideration the report of the committee on the representation and petition of John Garcia Duarte; and thereupon,

**Resolved,** That the board of war of Massachusetts-Bay, at Boston, forthwith deliver to the said John Garcia Duarte, or to his order, on request, all the coin deposited in their hands, and all the effects yet unsold, being parts of the cargo of the snow Nostra Senora de Carmel et Saint Antonio, without charging him any commission thereon;

That the board of war of Massachusetts-Bay, at Boston, do pay, upon demand, to John Bradford, continental agent at Boston, £ 18,461 13s. 3d. being the amount of the net proceeds of the aforesaid snow and cargo, sold under their direction by order of Congress of May 11th, 1778, who is hereby directed to purchase bills of exchange on some merchant or banker in Europe, to as great an amount as the sum of £ 18,441 13s. 3d. with interest thereon, at 6 per cent. per annum, to the day of buying the said bills, would have purchased at the time of the sale of the snow and cargo aforesaid, and deliver the same to the said John Garcia Duarte, for the use of his owners; and that the said John Bradford report his proceedings in the premises to Congress, without delay.

*Resolved*, That the bond which Joseph Cunningham gave, at the time he obtained his commission as master or commander of the schooner Phoenix, be forthwith put in suit, and that his said commission be thereupon vacated and made void; and that the said Joseph Cunningham be not admitted to hold any commission under the United States, on board of any ship or vessel of war, until such time as he shall appear and answer such suit, and satisfy the judgment against him, or procure the same to be reversed or set aside by due course of law; and that the moneys recovered on such suit be paid to the said John Garcia Duarte, for the use of his owners:

That the said John Garcia Duarte may also prosecute, or cause to be prosecuted, an action or actions against the said Joseph Cunningham, late commander of the private armed schooner of war Phoenix, the owners of the said schooner, and any person or persons that may be justly deemed guilty of the seizure and capture of the said John Garcia Duarte, with the said snow, her crew and cargo, or any ways accountable for the same, for the benefit and further reparation of the owners of the said snow: such prosecution to be at the expense of the United States.

Congress took into consideration the report of the committee appointed to devise means for the more effectual preventing and punishing the making or uttering counterfeit paper bills, of the similitude of the bills of credit emitted by Congress; and thereupon,

*Resolved*, That if any person or persons shall take and prosecute to conviction any person who shall prepare, engrave, stamp, forge, or print, or cause or procure to be prepared, engraved, stamped, forged or printed, the counterfeit resemblance of any paper bills of credit issued, emitted or made by Congress, or who shall counterfeit or sign the name or names of the signers to any true bills to such counterfeit paper, with the intention that such counterfeit paper shall be passed in payments, or received as genuine and good bills, whether the same be so passed or received or not; or who shall pay or tender in payment any such counterfeit money, or deliver the same to any other person or persons, with an intention that such counterfeit paper be passed, paid or received, as and for good and genuine, knowing the same to be forged or counterfeited; upon every such conviction, and procuring a certificate thereof, under the hands of the judges before whom such conviction shall be had, or either of them, such person or persons shall receive, of the continental loan-officer of the state where such conviction shall be had, the sum of 2000 dollars in the present continental currency, which the said loan-officer is hereby directed and required to pay out of any public money in his hands, and to charge the same to the United States.

TUESDAY, June 20, 1780.

On motion of the delegates of South-Carolina, pursuant to an application from gov. Rutledge, stating the necessity he has been under of purchasing many articles for the use of the troops since he left Charleston, and requesting, as in the present situation of that state, he has no other means of paying for the same than by drafts on Congress, that his drafts may be honored.



**Resolved,** That the board of treasury, until the further order of Congress, be authorized to accept the bills drawn by gov. Rutledge for the above purpose, to be paid at the election of the holder, either in loan-office certificates or in cash, with interest, as soon as the treasury shall be in condition; for which the state of South-Carolina is to be accountable, and that the board of treasury, from time to time, lay before Congress an account of all such drafts.

**Resolved,** That the general of Martinique, in ordering the cargo of the brig Hope to be sold, and the money to be deposited in the hands of Mr. W. Bingham, till the legality of the capture could be proved, (no courts being at that time instituted for the determining of such captures in that island) shewed the strictest attention to the rights of the claimants, and the highest respect to the opinion of Congress:

That Mr. W. Bingham, in receiving the same, only acted in obedience to the commands of the general of Martinique, and in conformity with his duty as agent for the United States.

**Resolved,** That Congress will defray all the expenses that Mr. William Bingham may be put to by reason of the suits now depending, or which may hereafter be brought against him in the state of Massachusetts-Bay, on account of the brig Hope or her cargo, claimed as prize by the owners, masters and mariners of the private ship of war called the Pilgrim.

And whereas the goods of the said W. Bingham, to a very considerable amount, are attached in the said suits now depending in the hands of the factors of the said W. Bingham, to his great injury:

**Resolved,** That the general court of the state of Massachusetts-Bay, be requested to discharge the property of the said W. Bingham from the said attachment; Congress hereby pledging themselves to pay all such sums of money, with costs of suit, as may be recovered against the said W. Bingham in either or both the above actions.

**Resolved,** That the navy council at Boston be directed to give such security, in the name of the United States, as the court may require, and to direct the counsel now employed by Mr. Bingham in the defence of the said actions.

### WEDNESDAY, June 21, 1780.

The committee to whom was referred the note from the hon. the minister of France, brought in a report, which was read; and thereupon,

**Resolved,** That the minister of France be informed that Congress have used every means in their power to fulfil their engagements of January last: that they have apportioned the quotas of the several states, and called upon them most earnestly to complete the same; that the surrender of Charleston, and the diversion of our force to the southern department, together with the heavy loss sustained by fatigue and desertion in a long and toilsome march, have for the present considerably weakened the main army; that Congress have endeavored to replace these deficiencies by demanding large additional supplies of recruits and militia from the middle and eastern states, to take the field by the first of July; that their requests have been frequently reiterated in the strongest terms: that they have reason to believe that many of them are making great efforts to comply with their demand; and that they are not without well grounded expectations that the importance of the occasion will awaken all to the most vigorous exertions; that Congress have demanded from each state immediate information of the measures they have adopted in consequence of their requisition; that they hope to be thereby enabled more fully to satisfy the wishes of the minister of France, relative to the matters contained in his memorial; that they do full justice to the solicitude of the minister of France, for the advancement of the mutual interests of his most Christian majesty and these United States, and see with pleasure, in the

warmth with which he urges measures evidently calculated for the immediate advantage of these states, the intimacy of the union of the allied powers.

And whereas Congress did, in behalf of the United States, assure his most Christian majesty, by their act of 31st January last, that they would bring into the field 25,000 men, exclusive of officers, and at the same time solicit a naval force to co-operate against the common enemy; and whereas advice has been received from the court of France, that his most Christian majesty, in compliance with the solicitations of Congress, hath not only directed a considerable naval force to repair to North-America, but hath subjoined thereto a respectable body of land forces; and whereas Congress in consequence of their engagements by their act of February last, did call on the several states to complete their quota of troops to the establishment mentioned in the said act; which quota they have since, from the disaster at Charleston, found it necessary to increase, and have accordingly approved the requisitions of their committee at head-quarters; and whereas none of the states, whose battalions were deficient, have yet sent on their recruits to complete the same, nor afforded any assurances that the requisitions of Congress, and their committee, will be complied with; and whereas the execution of the above requisition will be extremely hazardous and expensive, unless the further demands of Congress and their committee, for provision, are punctually complied with; therefore,

*Resolved*, That the said states be requested explicitly, and without the least delay, to inform Congress how far they may rely upon their furnishing the several supplies of men, money and provisions called for by Congress or their committee at head-quarters.

And whereas the legislatures of many of the United States are not now convened, though earnestly requested by Congress to continue their sessions, or to vest in some person such powers as would enable them on the requisition of Congress or their committee, to draw forth the military resources of the state; and whereas Congress are not fully informed whether their magistrates are so empowered:

*Resolved*, That the supreme executive magistrate in each state, where the legislature is not now convened, be requested immediately to inform Congress what measures they have taken, or empowered to take, in compliance with the above requisitions of Congress, in order that Congress, whose duty it is, may provide that effectual measures be taken that every state in the union contribute their quota to the common defence.

*Resolved*, That the executive magistrate of every state be requested to correspond weekly with the committee of Congress at head-quarters, advising them of the measures actually taken from time to time in pursuance of the above recited requisitions of Congress and their committee.

A letter, of this day, from the board of war, was read, informing, "that a number of patriotic persons have formed a plan for the establishment of a bank, whose object is the public service; that the directors have applied to that board to represent to Congress the desire of the company, that a committee of this body may be appointed to confer with the inspectors and directors on the subject to-morrow morning: Whereupon,

*Ordered*, That a committee of three be appointed for the purpose above mentioned: the members chosen, Mr. Ellsworth, Mr. Duane, and Mr. Scott.

#### THURSDAY, June 22, 1780.

Mr. Willie Jones, a delegate for North-Carolina, attended and produced the credentials of the delegates of that state, which were read.

The committee appointed to confer with the inspectors and directors of the proposed bank, brought in a report, which was read:

The committee also laid before Congress the plan of the bank, communi-

cated to them at the said conference, which being read, Congress thereupon came to the following resolutions :

Whereas a number of the patriotic citizens of Pennsylvania, have communicated to Congress a liberal offer, on their own credit and by their own exertions, to supply and transport three millions of rations and 300 hogsheads of rum for the use of the army, and have established a bank for the sole purpose of obtaining and transporting the said supplies, with greater facility and despatch; and whereas, on the one hand the associators, animated to this laudable exertion by a desire to relieve the public necessities, mean not to derive from it the least pecuniary advantage, so on the other, it is just and reasonable that they should be fully reimbursed and indemnified: therefore,

*Resolved, unanimously,* That Congress entertain a high sense of the liberal offer of the said associators to raise and transport the before mentioned supplies for the army, and do accept the same as a distinguished proof of their patriotism.

*Resolved,* That the faith of the United States be, and the same hereby is pledged to the subscribers to the said bank, for their effectual reimbursement and indemnity in the premises.

*Resolved,* That the board of treasury be directed to deposit in the said bank, bills of exchange in favor of the directors thereof, on the ministers of these United States, in Europe, or any of them, and in such sums as shall be thought convenient, but not to exceed in the whole £ 150,000 sterling; that the said bills are to be considered not only as a support of the credit of the said bank, but as an indemnity to the subscribers for all deficiencies of losses and expenses which they may sustain on account of their said engagements, and which shall not, within six months from the date hereof, be made good to them out of the public treasury; and in case of failure, such a proportion of the said bills as shall be requisite to make good the said deficiency, shall be negotiated for that purpose by the said directors, and the residue thereof returned into the treasury.

*Resolved,* That upon representation made that the bank stands in need of occasional assistance, Congress will advance as much of their current money as can be spared from other services.

*Resolved,* That a standing committee of Congress be appointed to confer with the officers of the said bank, as occasion may require: the members chosen, Mr. Ellsworth, Mr. Duane, and Mr. Scott.

#### FRIDAY, June 23, 1780.

Mr. Henry, a delegate from Maryland, attended and took his seat in Congress.

*Ordered,* That an extract of the letter, of the 20th, from general Washington, be sent by express to each of the states, from New-Hampshire to Maryland, inclusive, and that the executive powers be most earnestly requested to forward on the supplies of men and provision with the utmost expedition, and transmit to Congress and the committee at head-quarters, with all possible despatch, an account of the proceedings of their respective states, on which the commander in chief can rely, and by which he may be enabled to regulate his future operations.

A letter, of the 22d, from major general Lincoln, was read, informing Congress of his arrival in Philadelphia, and that, stimulated by the double motive of regard to the honor of Congress and his own reputation, he embraces the earliest opportunity of requesting that, agreeably to the resolution of November 28th, 1777, an enquiry may be immediately made into the causes of the loss of Charleston, which has been announced to Congress, and into his conduct as principal officer at that post when it was given up; Whereupon,

*Resolved,* That the commander in chief be directed, as soon as circum-

stances shall admit, to cause an enquiry to be made into the loss of Charleston, in South-Carolina, and into the conduct of the said major-general Lincoln, late commanding officer in the southern department, and cause the proceedings of the court of enquiry to be laid before Congress.

*Resolved*, That the honorable M. Wear, president of New-Hampshire, be informed, that the pressing exigencies of the United States will not admit of the least deduction from the public revenue at present; that Congress cannot now liquidate the accounts of the state of New-Hampshire or any other state with the United States; but that due attention will be paid to the claims of New-Hampshire whenever the circumstances of public affairs of a more serious nature will enable them to take them into consideration.

Whereas it has been represented, in order to seduce the citizens of South-Carolina and Georgia from their allegiance to these United States, that a treaty of peace between America and Great-Britain was about to take place, in which these two states would be ceded to Great-Britain :

*Resolved, unanimously*, That the said report is insidious and utterly void of foundation.

That this confederacy is most sacredly pledged to support the liberty and independence of every one of its members; and, in a firm reliance on the divine blessing, will unremittingly persevere in their exertions for the establishment of the same, and also in the recovery and preservation of any and every part of these United States that has been or may hereafter be invaded or possessed by the common enemy.

Congress proceeded to the election of two commissioners of the board of admiralty, and the ballots being taken, Mr. William Ellery and Mr. Thomas Woodford were elected.

#### SATURDAY, June 24, 1780.

The medical committee brought in a report; Whereupon,

*Resolved*, That the medical committee be authorized to take proper measures for the sustenance and relief of the sick in this city, as well belonging to the army and navy of these states, as to those of our ally.

The committee to whom was referred the letter from the chambers of accounts, respecting certain directions given to them by the board of treasury, report,

That, by the ordinance for establishing a board of treasury and the proper officers for managing the finances of these United States, passed the 30th day of July, 1779, the board of treasury are entrusted with the general superintendence of the finances of these United States, and are required to see that all public debtors are brought to account, frauds detected, and defaulters, punished; they are likewise empowered to instruct in their duty all officers concerned in the finances and accounts, and to suspend any of them for negligence or misdemeanor, until the pleasure of Congress is known; where objections shall be discovered against the reports of the commissioners or auditors, the board of treasury are to correct their errors; and where the commissioners or auditors may be in doubt, to instruct them; and it is provided, that all orders and instructions to the chambers of accounts and auditors of the army, shall be communicated through the auditor-general.

From this review of the ordinance the committee observe,

That the board of treasury are made immediately responsible for the settlement of the public accounts, and that they are invested with a general superintending power over the chambers of accounts; that it is necessary to the execution of this high trust, that reasonable hours of office be assigned by the chambers, and publicly notified, that the board of treasury, as well as the public accountants, may know when to have recourse to them for the despatch of public business; that the board of treasury, being expressly

required to call public debtors to account, and to detect frauds, authority to direct the settlement of one account in preference to another, is necessarily implied ; and it is the duty of the chambers to inform the board of treasury, whenever required, of their progress in the settlement of any of the public accounts.

It is also the opinion of the committee, that the said chambers are bound to observe such general instructions, for correcting errors, removing doubts, and facilitating the settlement of the public accounts, as shall be given to them by the board of treasury, conforming themselves, as far as possible, to fixed and established rules for administering justice equally and impartially between accountants and the public.

*Resolved*, That Congress agree to the said report.

MONDAY, *June 26*, 1780.

A letter of the 26th, from W. Ellery, was read, signifying his acceptance of the office of commissioner of the board of admiralty.

A report from the board of war was read ; Whereupon,

*Resolved*, That monsieur du Conture be appointed a cornet in the legion commanded by colonel Armand, to take rank as such from the last day of July, 1779, when he was appointed by the late general count Pulaski to do the duty of cornet in the legion then under his command.

Whereas it is represented by the medical committee, that difficulties arise in the hospital department, from the arrest of the director-general :

*Resolved*, therefore, That the medical committee be and are hereby authorized to take proper measures for carrying on the business of the said department, and that all medical gentlemen and others attached to the said department, pay obedience to the orders of the said committee.

WEDNESDAY, *June 28*, 1780.

Congress resumed the consideration of the report of the committee on loan-office certificates.

Whereas Congress, on the 18th day of April last, resolved in the words following, viz. That Congress will, as soon as may be, make such provision for discharging or continuing the loans that have been made to these United States on loan-office certificates, so as that the holders of them shall sustain no loss thereon by any depreciation of the bills loaned subsequent to the respective dates of the said certificates ; therefore,

*Resolved*, That the principal of all loans that have been made to these United States, shall finally be discharged, by paying the full current value of the bills when loaned, which payments shall be made in Spanish milled dollars, or the current exchange thereof, in other money at the time of payment.

That the value of the bills when loaned, shall be ascertained for the purpose above mentioned, by computing thereon a progressive rule of depreciation, commencing with the 1st day of September, 1777, and continuing to the 18th day of March, 1780, in geometrical proportion to the time, from period to period, as hereafter stated, assuming the depreciation at the several periods to be as follows, viz.

On the 1st day of March, 1778, one dollar and three quarters of a dollar of the said bills, for one Spanish milled dollar ; on the 1st of September, 1778, as four of the former for one of the latter ; on the 1st of March, 1779, as ten of the former for one of the latter ; on the 1st day of September, 1779, as eighteen of the former for one of the latter ; and on the 18th day of March, 1780, as forty of the former for one of the latter :

That the principal of all certificates that have been taken out since the 18th day of March last, shall be discharged at the rate of one Spanish milled dollar, or the current exchange thereof in other money at the time of payment, for forty dollars of the said bills of credit received on loan.



**That the principal of all certificates that shall hereafter be taken out, until the further order of Congress, be discharged at the same rate and in the same manner as those that have been taken out since the 18th day of March last.**

**That the interest on all loan-office certificates, at the rate of 6 per cent. per annum, computed on the principal ascertained as aforesaid, shall be discharged annually, in like manner as the principal, until the principal shall be paid; provided nevertheless, that the same interest and mode of payment on certificates taken out before the 1st day of March, 1778, shall be continued as at present, until the principal ascertained as aforesaid be ready to be discharged.**

**Ordered,** That the board of treasury prepare the proper tables for direction of the commissioners of the continental loan-offices in the several states in paying off the principal and interest of loans, agreeably to the foregoing resolutions.

**Resolved,** That the purchase of clothing for the use of the army, made by Otis and Henly, at Boston, on the 13th day of January last, as agents appointed by the board of war for that purpose, be confirmed; and that the board of treasury agree with David Henly on the best mode of payment, taking care that as large a portion as possible be paid in loan-office certificates.

**That an interest of 6 per cent. per annum, be allowed on such part as cannot be immediately discharged, until payment is made.**

#### THURSDAY, *June 29, 1780.*

**Mr. S. Adams, a delegate of Massachusetts-Bay, attended and took his seat in Congress.**

**The committee on the post-office, to whom was referred the letter of the 15th from governor Jefferson, of Virginia, brought in a report; Whereupon,**

**Resolved,** That Congress approve the line of communication which governor Jefferson, as it appears by his letter of the 15th, is forming, by expresses, southward and northward, and that the same be continued until the further order of Congress.

**Resolved,** That Nathaniel Appleton, and Joseph Henderson, esqrs. be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Massachusetts-Bay, pursuant to the resolution of Congress of the 18th of March last.

#### FRIDAY, *June 30, 1780.*

**Resolved,** That Thomas Harwood and Benjamin Harwood, esqrs. be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Maryland, pursuant to the resolution of Congress of the 18th day of March last.

**Resolved,** That lieutenant Conolly Coan, of the 62d British regiment, captured at Saratoga, be permitted to return to Ireland, his native country, upon parole, for the benefit of his health.

**The committee on the post-office brought in a report; Whereupon,**

**Ordered,** That the committee on the post-office give directions to the post-master general, that the southern post-riders be so regulated as to arrive at the place where Congress is sitting, only once a week while the line of express, established by governor Jefferson between the northern and southern armies, is kept up.

#### SATURDAY, *July 1, 1780.*

**Whereas Congress have thought proper to erect a monument to the memory of major-general Warren, in consideration of his distinguished merit and bravery, and to make provision for the education of his eldest son; and whereas it appears no adequate provision can be made out of his private**

fortune for the education and maintenance of his three younger children: therefore,

*Resolved*, That it be recommended to the executive of Massachusetts-Bay to make provision for the maintenance and education of the said three children of the late major-general Warren.

*Resolved*, That Congress will defray the expense thereof, to the amount of the half-pay of a major-general, to commence at the time of his death, and continue until the youngest of the said children shall be of age.

MONDAY, *July 3, 1780.*

A letter, of June 29th, from Joseph Bullock, was read, informing that he was under the necessity of declining the honour Congress intended him by appointing him a commissioner of the extra chambers of accounts.

*Resolved*, That the line of communication by expresses, formed by governor Jefferson, be continued, by the board of war, from Philadelphia to headquarters.

*Ordered*, That two members be added to the committee appointed to confer with the directors and inspectors of the proposed bank, in the room of Mr. Duane and Mr. Ellsworth, who are absent: the members chosen, Mr. Livingston and Mr. Adams.

It being of the utmost importance, more especially at this critical juncture, that the most speedy and accurate intelligence should be had of the movements of the enemy, by sea as well as by land: therefore,

*Resolved*, That the board of admiralty be and they are hereby directed to take the most effectual means in their power for obtaining, from time to time, certain intelligence of the arrival of the enemy's ships of war into any port or ports of North-America, the number of their guns, and the condition they may be in, together with such movements as they may make from one port to another, that this Congress may be duly and exactly informed of the naval strength and situation of the enemy, and be able to communicate such information to our ally as the common welfare shall require: and the said board are particularly directed to obtain the earliest intelligence of the arrival of any ships of war in or near the port of New-York.

THURSDAY, *July 6, 1780.*

Mr. Richard Howley, a delegate for the state of Georgia, attended and produced the credentials of his appointment, which were read.

*Resolved*, That the board of treasury be authorized to accept, without advice, such bills, drawn by major-general Lincoln on the president of Congress, as, in their discretion, shall be deemed proper, and may have been or hereafter may be presented within one month from this date, at which time it is expected a complete and accurate return of the bills aforesaid will be made by general Lincoln.

Congress resumed the consideration of the report of the committee for foreign affairs, on the letter, of the 1st, from Mr. Laurens, wherein they report, as their opinion,

That it is highly expedient that the hon. Mr. Laurens do repair to Europe, without loss of time, in order to enter on the discharge of the commission to negotiate a loan, to which he has been appointed by Congress.

*Resolved*, That Congress agree to the said report.

FRIDAY, *July 7, 1780.*

*Resolved*, That the board of treasury be directed to furnish Mr. Laurens with bills on France to the amount of £1000 sterling, on account of his salary, out of those bills ordered to be drawn by the resolution of the 19th of May last.

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**MONDAY, July 10, 1780.**

A report from the board of war was read ; Whereupon, Congress came to the following resolution :

Captain Walker Baylor, of colonel Baylor's regiment of light dragoons, having desired leave to resign his commission,

*Resolved*, That his resignation be accepted.

*Resolved*, That all clothing arriving from Europe, belonging to the United States, be delivered at the port of arrival, to the agents appointed by the board of war to receive them, without passing through the hands of the continental agents for prizes ; any former order of Congress to the contrary notwithstanding.

That the board of war take order for the reception of the said clothing, and give such instructions to their agents, on all matters relative thereto, as shall, in the opinion of the said board, be most conducive to the public interest.

*Resolved*, That the board of treasury be authorized to allow interest on the bills drawn by major-general Lincoln, when payment is made in loan-office certificates, in the same manner as directed by the resolution of Congress of the 23d of March last, where payment is to be made in current money.

*Resolved*, That the superintending boards have an undoubted right to repeal and countermand, alter, amend and renew any order officially issued and delivered to the executive officers in their departments, respectively : but it is not expedient, nor have they a right, to recal any order after the same is delivered at the proper office, though it should not have been executed ; in cases where it is necessary to correct an order it ought to be renewed, the original still remaining in the hands of the officer to whom it was directed, as his voucher.

*Resolved*, For special reasons, that the board of war do take the most speedy measures for the exchange of lieutenant-colonel John Laurens, one of gen. Washington's family, and now a prisoner of war on parole.

**TUESDAY, July 11, 1780.**

*Ordered*, That the committee of intelligence cause to be published the resolution of May 5th, 1778, respecting the 11th and 12th articles of the treaty of amity and commerce between his most Christian majesty and these United States, and a copy of the said treaty as finally ratified.

The resolution of May 5, 1778, is as follows ;

*Resolved*, That the commissioners, or any one of them representing these states at the court of France, be instructed to inform that court, that although Congress have readily ratified the treaties of amity and commerce, and treaty of alliance, and the act separate and secret, between his most Christian majesty and these United States, in order to evince more clearly their sense of the magnanimity and goodness of his most Christian majesty, evidenced in the said treaties ; yet from a sincere desire of rendering the friendship and alliance so happily begun, permanent and perpetual ; and being apprehensive that differences may arise from the 11th and 12th articles, in the treaty of amity and commerce, Congress are desirous that the said 11th and 12th articles may be revoked and utterly expunged. The commissioners, or any of them, are therefore instructed to use their best endeavours to procure the abolition of the said 11th and 12th articles of the said treaty.

In consequence of the foregoing representation, the following declarations were made, and signed in behalf of his most Christian majesty, and of the United States of America.

**A DECLARATION OF THE KING.**

The Congress of the United States of North-America having represented

to the king, that the execution of the 11th article of amity and commerce, signed the 6th of February last, may be attended with inconveniences, and having in consequence thereof, desired that that article may be expunged, agreeing on their part, that the 12th article shall be considered in the same manner as null and void: His majesty, in order to give the United States of North-America a new proof of his affection, as well as his desire to confirm the union and good correspondence established between the two states, has been pleased to pay a regard to their representations—accordingly he hath declared, and by these presents do declare, that he consents to the suppression of the 11th and 12th articles above mentioned, and that his intention is, that they be considered as if never comprehended in the treaty signed the 1st of February last.—Done at Versailles, the 1st day of September, one thousand seven hundred and seventy-eight.

(Signed)

GRAVIER DE VERGENNES.

#### DECLARATION.

The most Christian king having been pleased to regard the representations made to him by the general Congress of North-America, relating to the 11th article of the treaty of commerce, signed the 6th of February in the present year; and his majesty having therefore, consented that the said article should be suppressed, on condition that the 12th article of the same treaty be equally regarded as of none effect, the above said general Congress hath declared on their part, and do declare, that they consent to the suppression of the 11th and 12th articles of the above mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the 6th of February.—In faith whereof, &c.

Signed by

B. FRANKLIN,  
ARTHUR LEE,  
JOHN ADAMS.

The treaty, as it now stands, is as follows:

The Congress of the United States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, by the grace of God sovereign, free and independent, to all who shall see these presents, greeting:

Whereas, in and by our commission, dated at Philadelphia the 30th day of September, in the year of our Lord one thousand seven hundred and seventy-six—Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said state, &c. Silas Deane, late a delegate from the state of Connecticut, and Arthur Lee, barrister at law, were nominated and appointed our commissioners, with full powers to treat, agree and conclude with his most Christian majesty the king of France, or with such person or persons as should be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most Christian majesty and the people of the United States, we promising in good faith to ratify whatsoever our said commissioners should transact in the premises: And whereas our said commissioners, in pursuance of their full powers, on the 6th day of February last, at Paris, with Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of his most Christian majesty's council of state, by virtue of powers plenipotentiary to him granted by his most Christian majesty, and dated the 30th day of January, in the year of our Lord one thousand seven hundred and seventy-eight, did conclude and sign, on the part of the crown of France, and of the United States of America, a treaty of amity and commerce, in the following words:

#### TREATY OF AMITY AND COMMERCE.

The most Christian king and the thirteen United States of North-America, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-

York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, willing to fix, on an equitable and permanent manner, the rules which ought to be followed, relative to the correspondence and commerce which the two parties desire to establish between their respective countries, states and subjects, his most Christian majesty and the said United States have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burdensome preferences which are usually sources of debate, embarrassment and discontent, by leaving also each party at liberty to make, respecting navigation and commerce, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse, reserving withal to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of his majesty's council of state, and the United States, on their part, having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general Congress, and president of the convention of said state; Silas Deane, late deputy from the state of Connecticut to the said Congress, and Arthur Lee, counsellor at law; the said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

*Art. 1.* There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the most Christian king, his heirs and successors, and the United States of America, and the subjects of the most Christian king and of the said states, and between the countries, islands, cities, and towns, situate under the jurisdiction of the most Christian king, and of the said United States, and the people and inhabitants of every degree, without exception of persons or places, and the terms hereinafter mentioned, shall be perpetual between the most Christian king, his heirs and successors, and the said United States.

*Art. 2.* The most Christian king and the United States engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional.

*Art. 3.* The subjects of the most Christian king shall pay in the ports, havens, roads, countries, islands, cities, or towns of the United States, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

*Art. 4.* The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the domination of his most Christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions in Europe to another, or in go-



ing to and from the same, from or to any part of the world, which the said nations do or shall enjoy.

**Art. 5.** In the above exemption is particularly comprised the imposition of one hundred sous per ton, established in France, on foreign ships, unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned, so long as other nations the most favored shall be obliged to pay it; but it is understood that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

**Art. 6.** The most Christian king shall endeavor, by all the means in his power, to protect and defend all vessels, and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns, and to recover and restore to the right owners, their agents or attorneys, all such vessels and effects which shall be taken within his jurisdiction, and the ships of war of his most Christian majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force or violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most Christian king.

**Art. 7.** In like manner the said United States and their ships of war, sailing under their authority, shall protect and defend, conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most Christian king, and use all their endeavors to recover and cause to be restored the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

**Art. 8.** The most Christian king will employ his good offices and interposition with the king or emperor of Morocco, or Fez, the regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other prince, state, or power of the coast of Barbary, in Africa, and with the subjects of the said king, emperor, states and powers, and each of them, in order to provide as fully and efficaciously as possible, for the benefit, conveniency, and safety, of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said princes and states of Barbary, or their subjects.

**Art. 9.** The subjects, inhabitants, merchants, commanders of ships, masters and mariners, of the states, provinces, and dominions, of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party. The most Christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places, which the most Christian king possesses, or shall hereafter possess, and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated. It is however understood that the exclusion stipulated in the present article shall take place only so long and so far as the most Christian king or the United States shall not in this respect have granted an exemption to some other nation.

**Art. 10.** The United States, their citizens and inhabitants, shall never disturb the subjects of the most Christian king in the enjoyment and exercise of

the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast on that island, which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most Christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris.

(Articles 11th and 12th suppressed.)

*Art. 13.* The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubenes in France, and consequently shall be exempted from the droit d'aubene, or other similar duty, under what name soever; they may, by testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favor of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them, *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effects of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title or *ab intestat*, shall be exempt from all duty called droits de detraction, or other duty of the same kind, saving nevertheless the local rights or duties, as much and as long as similar ones are not established by the United States, or any of them. The subjects of the most Christian king shall enjoy, on their part, in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article. But it is agreed, at the same time, that its contents shall not affect the laws made or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigor, and the United States on their part, or any of them, shall be at liberty to enact such laws relative to that matter, as to them shall seem proper.

*Art. 14.* The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the specified goods on board them, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only their passports, but likewise certificates, expressly shewing that their goods are not of the number of those which have been prohibited as contraband.

*Art. 15.* If, by the exhibiting of the above said certificates, the other party discover there are any of those sort of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chests, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same, saving always as well the ship itself, as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being, as it were, infected by the prohibited goods, much less shall they be confiscated as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound; but in case the contraband merchandise cannot be all received on board the vessel of the captor, then the

captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

*Art. 16.* On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandise as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without the knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same, but so as that, if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

*Art. 17.* And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most Christian majesty, and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side, and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damages, and the interest thereof, by reparation, under the pain and obligation of their persons and goods.

*Art. 18.* All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port in order to be restored entire to the true proprietor as soon as due and sufficient proof shall be made concerning the property thereof.

*Art. 19.* It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty, or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of the other party, nor shall the searcher or other officers of those places search the same, or make examination, concerning the lawfulness of such prizes, but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew; on the contrary no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property, of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

*Art. 20.* If any ship belonging to either of the parties, their people or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

**Art. 21.** In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private, and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

**Art. 22.** For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

**Art. 23.** No subjects of the most Christian king shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state, with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the subjects of the most Christian king, or any of them, or the property of any of them, from any prince or state, with which the said king shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

**Art. 24.** It shall not be lawful for any foreign privateers not belonging to the subjects of the most Christian king, nor citizens of the said United States, who have commissions from any other prince or state at enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties; to sell what they have taken, or in any other manner whatsoever, to exchange their ships, merchandises, or any other lading: neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

**Art. 25.** It shall be lawful for all and singular the subjects of the most Christian king, and the citizens, people, and inhabitants of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the most Christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several: And it is hereby stipulated that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the subjects of either of the confederates—although the whole lading or any part thereof should be

pertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

*Art. 26.* This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with their fuses, and other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers; musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods, that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars and all sorts of salts, and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors; also ships' masts, planks, boards and beams of what trees soever, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use, all which shall be wholly reckoned among free goods, as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods, so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns, or places, being only excepted as are at that time besieged, blocked up or invested.

*Art. 27.* To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the said ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year: It is likewise agreed that such ships being laden, are to be provided not only with passports, as above mentioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board of the same, which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form, and if any one shall think it advisable to express in the said certificates, the persons to whom the goods on board belong, he may freely do so.

*Art. 28.* The ships of the subjects and inhabitants of either of the parties, coming upon any coast belonging to either of the said allies, but not willing



to enter into port, or being entered into port, and not willing to unload their cargoes, or break bulk, they shall be treated according to the general rules prescribed or to be prescribed relative to the object in question.

*Art. 29.* If the ships of the said subjects, people or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have shewed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or to search her in any manner, or to give her chase, or force her to quit her intended course.

*Art. 30.* It is also agreed, that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no further visitation, but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice. Nor shall either the persons or goods of the subjects of his most Christian majesty, or the United States, be put under any arrest, or molested by any other kind of embargo, for that cause, and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

*Art. 31.* The two contracting parties grant mutually the liberty of having, each, in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

*Art. 32.* And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the most Christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States, and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America; of all which free ports the said subjects of the United States shall enjoy the use agreeable to the regulations which relate to them.

*Art. 33.* The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals. Done at Paris, this 6th day of February, 1778.

C. A. GERARD, (L. S.)  
SILAS DEANE, (L. S.)

B. FRANKLIN, (L. S.)  
ARTHUR LEE, (L. S.)

Form of the Passports and Letters which are to be given to the Ships and Barks according to the 27th article of this treaty.

To all who shall see these Presents, Greeting :

It is hereby made known, that leave and permission has been given to  
 master and commander of the ship called \_\_\_\_\_ of the town of  
 burden \_\_\_\_\_ tons, or thereabouts, lying at present in the port and  
 haven of \_\_\_\_\_ and bound for \_\_\_\_\_ and laden with \_\_\_\_\_. After that  
 his ship has been visited, and before sailing he shall make oath before the  
 officers who have the jurisdiction of maritime affairs, that the said ship be-  
 longs to one or more of the subjects of \_\_\_\_\_. The act whereof shall be put  
 at the end of these presents, as likewise that he will keep and cause to be  
 kept by his crew on board the marine ordinances and regulations, and enter,

in the proper office, a list signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed, and was done during his voyage, and he shall carry the colours, arms, and ensigns of the king or United States, during his voyage. In witness whereof, we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by \_\_\_\_\_ at  
the \_\_\_\_\_ day of \_\_\_\_\_ Anno Domini \_\_\_\_\_

Now know ye, That we, the said Congress, have unanimously ratified and confirmed, and by these presents do ratify and confirm the said treaty, and every part, article and clause thereof on our part, concluded and signed as aforesaid; and further do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification in exchange for the ratification of the said treaty, on the part of his most Christian majesty, the king of France and Navarre.

Done in Congress at York-town, in the state of Pennsylvania, this fourth day of May, in the year of our Lord 1778.

In testimony whereof, the president, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

President, (L. S.)  
Secretary.

*Attest.*

The Congress of the United States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, by the grace of God sovereign, free and independent, to all who shall see these presents, Greeting :

Whereas in and by our commission, dated at Philadelphia, the 30th day of September, in the year of our Lord one thousand seven hundred and seventy-six; Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said state, &c. Silas Deane, late a delegate from the state of Connecticut, and Arthur Lee, barrister at law, were nominated and appointed our commissioners with full powers to treat, agree and conclude with his most Christian majesty the king of France, or with such person or persons as should be by him for that purpose authorized of, and upon a true and sincere friendship, and a firm, inviolable and universal peace for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most Christian majesty and the people of the United States, we promising in good faith to ratify whatsoever our said commissioners should transact in the premises: And whereas our said commissioners, in pursuance of their full powers, on the 6th day of February last, at Paris, with Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of his most Christian majesty's council of state, by virtue of powers plenipotentiary to him granted by his most Christian majesty, and dated the 30th day of January, in the year of our Lord one thousand seven hundred and seventy-eight, did conclude and sign on the part of the crown of France, and of the United States of America, a treaty of alliance in the following words.

**"TREATY OF ALLIANCE EVENTUAL AND DEFENSIVE."**

The most Christian king and the United States of North-America, to wit, New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety

and tranquillity of the two parties, particularly in case Great-Britain, in resentment of that connexion, and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns: And his majesty and the said United States having resolved in that case to join their councils and efforts against the enterprizes of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

*Art. 1.* If war should break out between France and Great-Britain, during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

*Art. 2.* The essential and direct end of the present defensive alliance, is, to maintain effectually the liberty, sovereignty and independence, absolute and unlimited, of the said United States, as well in matters of government as of commerce.

*Art. 3.* The two contracting parties shall, each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

*Art. 4.* The contracting parties agree, that in case either of them should form any particular enterprize, in which the concurrence of the other may be desired, the party whose concurrence is desired shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances, and its own particular situation will permit, and in that case they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

*Art. 5.* If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

*Art. 6.* The most Christian king renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North-America, which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been, under the power of the king and crown of Great-Britain.

*Art. 7.* If his most Christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great-Britain, all the said isles, in case of success, shall appertain to the crown of France.

*Art. 8.* Neither of the two parties shall conclude either truce or peace with Great-Britain, without the formal consent of the other first obtained, and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

*Art. 9.* The contracting parties declare, that being resolved to fulfil, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation, on one side or the other, whatever may be the event of the war.

*Art. 10.* The most Christian king and the United States agree to invite or admit other powers who may have received injuries from England, to make

common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

*Art. 11.* The two parties guarantee mutually from the present time, and forever, against all other powers, to wit, the United States to his most Christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: and his most Christian majesty guarantees, on his part, to the United States their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain, during the war, from any of the dominions now or heretofore possessed by Great-Britain in North-America, conformable to the 5th and 6th articles above written, the whole as their possession shall be fixed and assured to the said states at the moment of the cessation of their present war with England.

*Art. 12.* In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out, and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England, shall have ascertained their possessions.

*Art. 13.* The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof, the respective plenipotentiaries, to wit, on the part of the most Christian king, Conrad Alexander Gerard, royal syndic of the city of Strasburg, and secretary of his majesty's council of state; and on the part of the United States Benjamin Franklin, deputy of the general Congress from the state of Pennsylvania, and president of the convention of the said state; Silas Deane, heretofore deputy from the state of Connecticut; and Arthur Lee, counsellor at law, have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this 6th day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, (L. S.)  
B. FRANKLIN, L. S.)

SILAS DEANE, (L. S.)  
ARTHUR LEE, (L. S.)

Know ye, that we, the said Congress, have unanimously ratified and confirmed, and by these presents do ratify and confirm, the same treaty, and every part, article and clause thereof, on our part concluded and signed as aforesaid, and further do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification, in exchange for the ratification of the said treaty on the part of his most Christian majesty the king of France and Navarre.

Done in Congress at York-town, in the state of Pennsylvania, this 4th day of May, in the year of our Lord one thousand seven hundred and seventy-eight. In testimony whereof, the president, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

Attest,

President. (L. S.)  
Secretary.

A report from the board of admiralty was read; Whereupon,

*Resolved*, That the pay of the officers and men in the navy of these United States, as fixed by the act of Congress of November 15, 1776, be hereafter considered as, and paid in, specie, or other money equivalent.

*Resolved*, That the subsistence money of officers of the navy, as regulated

by the act of Congress of July 25, 1777, be hereafter considered as, and paid in specie, or other money equivalent.

*Resolved*, That a bounty of 20 dollars in specie, or other money equivalent, be allowed to every able seaman, and 10 dollars to every ordinary seaman or landsman, who shall enter into the sea service for a twelve-month, one half thereof to be paid to them before their sailing, and the other half at the expiration of 12 months, to be computed from the time of their entry and enlistment.

*Resolved*, That 40 continental dollars, or 1 dollar of the bills which shall be issued by the respective states, in pursuance of the act of Congress of the 18th March last, be considered as equivalent to a dollar in specie, in the payment of the bounty, wages and subsistence mentioned in the foregoing resolutions.

*Resolved*, That the foregoing resolutions, so far as respects their wages, shall extend to the men who entered on board the Trumbull, under the command of James Nicholson, esq. the men that have entered on board the Saratoga, under the command of James Young, esq. the men that have entered on board the Deane, Samuel Nicholson, esq. commander, for the present cruise; and on board the Confederacy, Seth Harding, esq. commander, for the present cruise.

#### WEDNESDAY, July 12, 1780.

Congress took into consideration the report of a committee on the petition of lieut. col. Dericks, and thereupon,

*Resolved*, That lieut. col. Dericks have leave of absence, agreeably to his request, till the further order of Congress:

That a bill of exchange for 444 dollars, drawn on the hon. Henry Laurens, be advanced to the said lieut. col. Dericks, on account of his pay.

#### THURSDAY, July 13, 1780.

A report from the board of war was read; Whereupon,

*Resolved*, That lieut. Dow, of col. Flower's regiment of artillery artificers, be promoted to the rank of capt. lieut. in the said regiment, his commission to bear date April 4th, 1780, the time capt. lieut. Parks was dismissed the service.

On motion of Mr. S. Adams, seconded by Mr. Bee, Congress came to the following resolution:

The abilities and experience of brig. gen. du Portail, in the line of his department as an engineer, appearing to Congress essential to the effectual promotion of the operations of the ensuing campaign;

*Resolved*, That gen. Washington immediately endeavour to obtain the exchange of brig. gen. du Portail, now a prisoner of war on parole.

#### SATURDAY, July 15, 1780.

A report from the board of war was read; Whereupon,

*Resolved*, That the Rev. Robert M'Murdie be appointed chaplain to the first Pennsylvania brigade.

The committee, to whom was referred for revision the plan for conducting the quarter-master's department, having executed the business, laid before Congress the plan, as revised, which was read and agreed to as follows:

Whereas Congress, on the 25th day of February last, resolved that the several states should be called on for certain supplies of beef, flour and other articles necessary for the ensuing campaign; and that the same should be collected and deposited or delivered at the risque of the respective states, at such places, within each state respectively, as the commander in chief should judge most convenient; and it being necessary to provide for the safe keeping and transportation of the stores which shall be so deposited, and to make a new regulation of the quarter-master's department,



*Resolved*, That there be one quarter-master general and one assistant-quarter-master general, appointed by Congress, and one deputy-quarter-master for the main army, and one for each separate army, to be appointed by the quarter-master general :

That the quarter-master general appoint one deputy for each state, if he shall judge so many to be necessary, and the same be approved by the board of war ; the person appointed to be approved of by the supreme executive of the state in which he is to be employed :

That each deputy, whether appointed for one state or more, shall appoint as many assistants as the service may necessarily require, and the quarter-master-general shall approve ; and a return of such appointments shall be immediately made to the board of war by the quarter-master general :

That all store-keepers, contractors, clerks, conductors, artificers and labourers, of whatever denomination, who may be found necessary for the well conducting the public business, be appointed by the deputies in their respective districts ; and that they employ them in such numbers, for such time, and at such places, as the service may require, and on such conditions as shall be most for the benefit of the public : nevertheless, if they are agreed with or continue in service for any longer time than two months, the conditions are to be approved by the quarter-master general :

That the duty of a deputy quarter-master for a state shall be, to provide the means of transportation in such state for all public property, agreeably to the orders he may receive from the commander in chief, the board of war, the quarter-master general, or the officer commanding in the state—to provide such store-houses as may be necessary for the preservation of the public property, and to appoint suitable store-keepers, properly instructed, to account, in the best manner the nature of the business will admit, agreeably to such plans as the quarter-master general may prescribe for all articles received, whether provided by the state in the state, or received from another state, taking care always to note deficiencies, and to reject such as are deficient in quality, whether provided by the state, or in any other manner within the state ; but if the parties are dissatisfied, the store-keeper, and the person or persons so tendering the goods, shall each nominate three of the most reputable freeholders in the vicinity of the place where the goods are to be delivered, the store-keeper to appoint one of the three nominated by the person or persons offering the goods, and he or they, one of those named by the store-keeper ; and if the two first cannot agree, a third is to be chosen by lot out of the remaining four, as an umpire ; the arbitrators to be on oath, and copies of their award to be delivered in writing to the parties, which shall be binding and conclusive—to keep proper registers of all persons, teams, pack-horses, vessels and craft, employed in the department, noting the manner and conditions on which they serve, and whether the teams, pack-horses, vessels or craft, are private or public property—to execute all orders, either for purchases or other purposes, which he may receive from the commander in chief, the board of war, the quarter-master general, or the commanding officer in the state ; to pay all officers in the different parts of the state who shall be necessary to execute the business of the department, and who have been approved as aforesaid—to give such instructions, with respect to the management of the business, as shall appear necessary to have it conducted with the greatest economy and order, and at the same time with that despatch which the service may require—to apply to the assistant quarter-master general for such sums of money as the service may require, and to distribute the same in such proportion as will best answer the purpose—to visit all the places of business of those serving under him, as often as his other duties will admit ; and see whether they execute their duty agreeably to the instructions they receive—to inspect their accounts,

books of receipts and issues, and to correct what is amiss—to collect and render his accounts of expenditures and returns of public property and persons employed in the department every three months; and to make return to the assistant quarter-master general of all issues that have been made, mentioning the articles, quantity or number of each, on whose application or order issued, and to whom delivered—to see that all stores provided in one state to be forwarded to another, be carefully inspected, that the quantity and quality is agreeable to the order given before they are sent forward—to confine all the contracts or bargains of the contractors and agents of every denomination, within the state to which they belong, to prevent one contractor interfering with another—to make such provision for wintering or recruiting public horses, as may be necessary for the convenience and support of the army: and generally to do and perform every thing necessary to promote the service.

That the duty of the assistant quarter-master general shall be, to reside near Congress—to frame plans for keeping accounts in the department, and to accommodate them to the nature of the business in the best possible manner for preserving regularity; and after the quarter-master general shall approve thereof, to transmit them to the deputies in the several states as a rule for their stating and keeping their accounts, to be by them communicated to all their under agents—to receive from the army and the districts, the accounts and vouchers arising therein to the 1st day of December, and to lay them before the chamber of accounts for settlement by the 1st day of January—to apply to the board of treasury for such sums of money as the quarter-master general shall direct, and distribute the same as the several branches of the department may require—to make such remarks and give such directions to the deputies in the several states as shall be found necessary for saving expense or preserving order in the business—to receive from the respective deputies, at the end of every three months, returns of all persons employed, how, where, and on what conditions, and returns of all public property belonging to the department, and where deposited, made out in four distinct columns, one containing what has not been issued, another what is in use, the third what has been used and wants repairing, and the fourth what is unfit for further service and still of some value; these returns to be made agreeably to such forms as shall be furnished by the quarter-master general.

That the returns be made to the assistant quarter-master general in March, June, September, and December; and that the general returns be furnished to the quarter-master general as soon after as possible.

That the quarter-master general appoint one commissary of forage for the main army, and so many deputies, forage-masters, clerks, and laborers, as the service may require, and the commander in chief shall approve of; a deputy-commissary of forage, and as many clerks and labourers for each separate army, as the service may require, and the commanding officer of such separate army shall approve of:

That the duty of a commissary of forage and of a deputy-commissary of forage with a separate army, shall be, to provide forage and pasture in the neighborhood of the camp, by purchase or otherwise, as the case may require, and to distribute the same—to correspond with the deputy-quarter-masters, in the states in or near which the army may be, and make seasonable requisitions from them for such quantities of forage as the service may require, and to receive and issue the same to the army, in such manner and proportion, as is hereafter directed.

That the wages of people employed in the forage branch, as well as the price of forage purchased, and hire of pasture as aforesaid, and all other contingent expenses of the department, be directed for payment to the quarter-master general's pay-office; that the commissary of forage, or his deputy, certify the sums due, and that the same have been fully examined;

that such orders or certificates for payment be presented to the auditor of accounts in the quarter-master general's office, and pass from him to the pay-office: but when, from sudden movements of the army, the certificates for pasturage or forage furnished in the vicinity thereof, signed by the commissary of forage, or his deputy, cannot be brought for payment to the quarter-master general's pay-office in camp, without great inconvenience to the possessors of the same, such certificates shall be paid by the deputy quarter-master of the state in which the same shall have been furnished, the sums and articles furnished being inserted in words at full length; and to prevent frauds, the commissary of forage, or deputy with a separate army, shall furnish the deputy quarter-master of the state, in which the army may serve, with a list of the persons employed in the forage branch, in their own hand writing, and the printed form of certificates generally made use of by them:

That the commissary of forage, or deputy with a separate army, fix upon such places for receiving and issuing forage at the army, as shall best accommodate the service; and that written instructions be given to the keeper of the magazine of forage, how and to whose order to issue the same; that proper entries be made in a book, to be kept for the purpose of all receipts and issues, and that the orders be numbered and filed to agree with the entries in the book.

That the forage-masters, and keepers of the army magazines shall make weekly returns to the commissary of forage, or to the deputy with a separate army, of all forage received and issued, and of all pasturage made use of, and certificates given for the same; and that the commissary of forage, or deputy with a separate army, shall, at the end of every four weeks, make returns to the quarter-master general, or deputy quarter-master with a separate army, of all the forage received at the magazines or collected from the country, and of the issues of the same; also of all certificates for pasturage or forage which have, within that time, been given for settlement at the quarter-master general's pay-office.

That forage for the wagon horses be issued on the returns of the respective conductors, countersigned by the wagon-master or his deputy; and for other horses on the orders of the officers entitled to receive forage by virtue of these regulations: and if any officer in the forage department shall issue forage in any other manner, or in larger proportions than is prescribed in these regulations, he shall be charged with and pay the full value of such extra forage, and be dismissed from the service.

That there be no deputy commissary of forage or forage master appointed, except for the main army, or a separate army; and that all forage which it may hereafter be necessary to issue at any post, be issued by the deputy quarter-master of the state, his assistants or store-keepers:

That the deputy quarter-master of the state shall appoint the magazines or places at which forage shall be issued, and none shall be issued at any other; nor shall any forage be issued at such post to any officer, unless he certifies upon honor, on his return, that he is not on furlough nor absent from the army on his private business:

That a ration of forage shall consist of 14 pounds of hay and 8 quarts of oats for a saddle horse, and 16 pounds of hay and 12 quarts of oats, or other short forage equivalent, for a draught horse, per day: that in cases where either of the above articles cannot be furnished, a double quantity of the other shall be considered as a complete ration.

And whereas the great number of issuing posts established in these states have, by experience, been found very burdensome and expensive.

*Resolved*, That from and after the 1st day of August next, no post, without troops there stationed, and in the continental service, shall be continued or established in any state at the expense of the United States, nor public provisions or forage issued thereat, but by order of the board of war, the

commander in chief, or commanding officer of a separate army ; and each order shall be given only in cases when, in their opinion, the obtaining provision or forage in any other way would be impracticable.

And whereas it may sometimes happen that there is a necessity to detain hired teams, the owners of which were to find their own forage and provisions, beyond the time for which such teams were engaged, and who, if their own forage and provisions are expended, must have recourse to the public magazines :

*Resolved*, That such teams, and their conductors and drivers, so detained and become destitute of forage and provisions, shall be supplied out of the public magazines, upon the written order of the officer by whose order they shall have been detained ; and the wagon-master, or his deputy or other person, under whose direction such teams be employed, before he signs their discharge, shall cause to be endorsed thereon, by the forage-master and commissary, or store-keeper (as the case may be) the number of rations of forage and provisions furnished to such teams and their conductors and drivers, that the same may be deducted out of the wages due to the owners of such hired teams : that, excepting in the cases above mentioned, no provisions or forage be drawn by any person not actually serving with the army, or some detachment thereof :

That there be one wagon-master with the main army, and as many deputies, clerks, and conductors, as the service may require, and the commander in chief shall approve of ; that there be a deputy for each separate army, with as many assistants, clerks and conductors, as the same may require, and the commanding officer shall approve of :

That the wagon-master, and deputy with a separate army, shall keep an exact register of all persons and teams employed with the army in his department, distinguishing by proper columns the private and public property ; that he keep exact registers of all pay rolls, noting the time and conditions of payment ; that, in every pay-roll, the names and employment of every person be inserted at full length ; and that the roll be signed by the wagon-master, or deputy with a separate army, and then pass to the auditor of accounts in the office of the quarter-master general, or deputy in a separate army, and from him to the respective pay-office :

That the wagon-master, or deputy in a separate army, give all the orders on the horse-yard for horses to equip the teams, and orders on the store for harness ; and every deputy or assistant, receiving horses or harness upon such order, shall be charged with the same in his books, and be made to account, by his weekly or monthly returns, for the horses or harness delivered to him.

That the wagon-master shall make monthly returns to the quarter-master general, or oftener if required, of all persons, teams, and horses, employed in his department, noting where and with whom serving, adding a column of casualties, in which to insert the deaths, stolen or strayed horses, and also the harness that may be lost, and generally to make such regulations for the government of the wagoners as shall be best calculated to preserve public property, and to give them as a standing order to all the wagon-masters, the quarter-master general approving thereof : that the like duties be performed by the deputy wagon-master of a separate army :

That the quarter-master have liberty, with the approbation of the commander in chief, or commander of a separate army, to take such and so many officers from the line of the army, to serve in his department, as he may find necessary, and as are willing to engage in the business :

That the quarter-master general establish a horse-yard with the army, for the purpose of receiving and issuing all public horses ; and that the person appointed deliver none from the yard but by the order of the commander in chief, the quarter-master general, or his deputy, or the wagon-master :

The same regulations to take place with a separate army :

That an exact register be kept of the receipt and delivery of all horses, from whom received; to whom delivered, and by whose order; and also of all horses that may die, be stolen, or stray from the yard, or that are ordered to be sold by the quarter-master general, as unfit for further service; and that returns of all transactions of the yard be made to the quarter-master general's office monthly, and as much oftener as the quarter-master general may direct.

Whereas it is necessary that every army should be limited in the article of baggage; this regulation being essential, as well to save expense as to prevent the army from being embarrassed in its operations; and that every officer should have only such a quantity of baggage as is essential to his comfort and appearance:

*Resolved*, That the following proportion of wagons and bat-horses be allowed to the different ranks of officers, and no more, unless it be by order of the commander in chief, or commanding officer of a separate army, each of whom to be allowed for themselves so many baggage wagons and bat-horses as they may think necessary, to wit:

	Covered 4 horse wagon.	Open 4 horse wagon.	2 horse wagon.	Bat-horses.
Major-general and family, . . . . .	1			
Brigadier-general and family, . . . . .	1			
Colonel, lieutenant-colonel and major, . . . . .	1			
Captains and subalterns of a regiment, for their baggage, . . . . .	1			
Surgeon, pay-master, adjutant and quarter-master, (regimental staff,) . . . . .	1			
Brigade quarter-master, . . . . .				1
For the tents of a regiment, for every 75 men, but this to be varied according to the weight of the tents and state of the roads, . . . . .		1		
Quarter-master general, for his baggage according to his rank, for his books, papers, &c. as many as he shall find necessary, . . . . .				
Deputy quarter-master with the main army, or with a separate army, for his baggage, and for his books, papers, &c. as they may demand, . . . . .				
Commissary of forage with the main army, . . . . .	1			
Deputy commissary of forage with a separate army, . . . . .			1	or 2.
Wagon-master and clerks, . . . . .	1			
Deputy wagon-masters with the main army, each, . . . . .				1
Deputy wagon-master with a separate army, clerks and assistants, . . . . .			1	or 2
Inspector-general, for his baggage according to his rank, and for his papers, &c. according as the service may require, or commander in chief may direct, . . . . .				1
Sub-inspector, . . . . .			1	
Brigade-inspector, . . . . .			1	
Adjutant-general and assistants, . . . . .	1			
Deputy adjutant-general with a separate army, . . . . .			1	
Judge-advocate, . . . . .			1	or 2
Commissary of prisoners, . . . . .			1	or 2.
Deputy judge-advocate with a separate army, . . . . .			1	or 2.
Deputy commissary of prisoners with a separate army, . . . . .			1	or 2.
Provost-marshal with his prisoners and guards, . . . . .		1		
A commissary and his deputy of purchases or issues, . . . . .	1			
A deputy commissary with a separate army, . . . . .			1	or 2
Field-commissary of military stores and his deputy with the main army, . . . . .			1	or 2
Deputy commissary of military stores with a separate army, . . . . .			1	or 2
Auditors of the main army, for their baggage, books, papers, &c. . . . .	1			
Auditors for a separate army, . . . . .	1			
Deputy paymaster, either with the main army, or with a separate army, . . . . .	1			
Field-post-master, . . . . .			1	or 2
Express-rider, . . . . .			1	or 2



*Provided*, That if the number of wagons, stated as above, should prove insufficient, the quarter-master general may occasionally furnish such additional carriage as the commander in chief, or commanding officer of a separate army, or the board of war, may direct.

Whereas the business of deputy quarter-masters, serving in the different states, may vary greatly one from another; and whereas that allowance which would be ample in some states, would be inadequate in others:

*Resolved*, That the quarter-master general be authorized to fix the pay of each deputy to conduct the business of his department in the states, according to the duties they have to perform, and the expenses they will be at in executing the same; so that the pay of no deputy exceed one hundred and thirty-four dollars per month, without provision or forage, always having regard to the merit and service of the person appointed, and which shall be approved of by the board of war:

That the pay of the assistant deputy quarter-masters be settled by the deputy quarter-master under whom they respectively serve, according to the duties they have to perform, and the expense they will be at in executing the same, so as the pay of no assistant deputy quarter-master exceed seventy-five dollars per month, without provisions or forage; always having regard to the merit and services of the person appointed, and which shall be approved of by the quarter-master general:

That the pay of the officers in the quarter-master general's department, who are attached to the main or to a separate army, and move with it, be as follows:

Quarter-master general, in addition to his pay as an officer in the line, at the rate of one hundred and sixty-six dollars per month:

Assistant quarter-master general, who is to reside near Congress, at the rate of one hundred and sixty-six dollars per month:

Deputy quarter-master, thirty-five dollars per month, in addition to his pay in the line:

Brigade quarter-master, twenty dollars per month, in addition to his pay in the line:

Commissary of forage, seventy-five dollars per month, and two rations of provisions per day:

Deputy commissary of forage, forty dollars per month, and one ration of provisions per day:

Forage-master, in addition to his pay in the line of the army, ten dollars per month:

Wagon-master, sixty dollars per month, and two rations of provisions per day:

Deputy wagon-master, forty-five dollars per month, and one ration of provisions per day:

Assistant wagon-master in a separate army, forty dollars per month, and one ration of provisions per day:

Conductor of wagons, when not of the line of the army, thirty-five dollars per month, and one ration of provisions per day; when of the line of the army, twelve dollars per month, in addition to his pay in the line:

That the foregoing salaries be paid in specie, or other money equivalent.

Whereas, in order to prevent the unnecessary consumption of forage, it is requisite to determine what officers shall be supplied with forage at the public expense, and to fix the quantity that shall be furnished to each:

*Resolved*, That in addition to the forage allowed for the wagon and bat-horses, by these regulations, there be issued to the commander in chief, and to the commanding officer of a separate army, and to those of their suite, as many rations as the service shall require:

To a major-general and family, seven; brigadier-general and family, six;

colonel of infantry or artillery, two; lieutenant-colonel, two; major, two; chaplain, one; surgeon, one; pay-master, one; adjutant, one; quarter-master, one; brigade quarter-master, one; captain of engineers, one; quarter-master general, as the service may require; deputy quarter-master with the army, one; commissary of forage, two; deputy-commissary of forage, one; wagon-master and clerks, three; deputy wagon-master one; deputy wagon-master with a separate army, two; assistant wagon-master with a separate army, one; inspector-general, agreeably to his rank; sub-inspector, in addition to what he draws in the line, one; adjutant-general and his family, including what he may draw in the line, seven; deputy adjutant-general for a separate army, three, including what he may draw in the line; commissary of prisoners, two; deputy-commissary of prisoners with a separate army, two; deputy serving with the main army, one; judge-advocate, two; provost-martial, one; commissary-general of purchases, four; commissary-general of issues, two; brigade-commissary, one; field-commissary of military stores, two; deputy field-commissary of military stores, one; deputy pay-master, one; auditors for the army, each, one:

That any of the said officers entitled to forage, who shall keep their horses at their own expense, when in camp, or when absent from the army on public service, shall be allowed as much daily for the forage so found as shall be certified by the deputy quarter-master of the state in which the army may be, to be the net current cost of a ration of forage, every officer claiming such payment, producing a certificate from the forage-master from whom he usually draws, that he had not drawn forage from him during the time charged for, and certifying upon honor that he hath drawn no public forage whatever during the said time; on which a certificate shall pass from the commissary of forage, or deputy, to the quarter-master general's auditor, for settlement of the same, not exceeding the current net cost of the ration as settled by the quarter-master of the state: Provided, that no officer on furlough shall be entitled to draw forage or pay for the same, for any time he is absent beyond the term allowed him by his furlough.

That the officers of cavalry be allowed to draw forage or pay for the same, under the like regulations as other officers, for the following number of horses, provided they actually keep the same: a colonel three; lieutenant-colonel two; major two; captain two; lieutenant one; cornet one; pay-master, quarter-master, and adjutant, exclusive of allowance as officers in the line, each one; surgeon one:

That all certificates for forage supplied to detached parties of cavalry, serving on the lines, or on marches, where public forage cannot be drawn, shall be signed by the forage-master or quarter-master of the regiment or corps, or by a commissioned officer, if any be with the party, if not, by a non-commissioned officer, mentioning the quantity and species of forage, the number of horses, the time for which the same was drawn; and the price shall be inserted in words, at full length, and the title of the officer and regiment or corps to which he belongs, shall be added to his name:

That every officer who shall give such certificates, shall make a return of the same to the officer commanding the regiment to which he belongs, who shall direct his forage-master, or quarter-master, at the end of each month, to make a return of such certificates, to whom and where given, and to what amount, to the commissary of forage, or to the deputy with a separate army, and to the deputy quarter-master of the state in which such supplies shall have been obtained, which certificates shall be passed by the commissary of forage or deputy with a separate army, either to the quarter-master general's pay office for settlement in camp, or to the deputy quarter-master of the state for payment:

That all officers commanding detachments of cavalry shall make returns

of the forage they may draw, with the number of horses, and the time for which the same was drawn, to the officer commanding the regiment or corps to which they belong, which the commanding officer shall deliver to the forage-master or quarter-master of the regiment or corps, who shall make returns of all the forage received and issued to the regiment or corps, at the end of each month, to the commissary of forage or deputy with a separate army :

That all the teams not serving with the army be contracted with to find their own provisions and forage, if possible, and to be paid by the hundred weight per mile :

That no military or staff officer shall own, or in any manner be interested in any boat, shallop, wagon, or other carriage, horse or team, employed on hire or contract, in the service of the United States, on pain of forfeiting a sum equal to that which shall have become due for the service of such boat, shallop, wagon, or other carriage, horse or team, during the whole time they shall have been so employed ; and for the second offence such officer shall be dismissed from the service :

That the quarter-master general take such measures for providing camp equipage, and make such regulations for distributing the same, as he shall find necessary, and the commander in chief or the board of war shall approve ; and that he also take measures for engaging such artificers as the service, from time to time, may require, in addition to the regimented artificers, and as shall be approved by the commander in chief ; and that he generally make such arrangements as shall be necessary to manage the business of the quarter-master's department, either with the main army, a separate army, or detachment :

That the quarter-master general or deputy with a separate army, furnish such horses, for special purposes, and on particular applications, as he shall think the good of the service may require ; and whenever any doubt arises, that the matter be referred to the commander in chief, or the commanding officer of a separate army, for their instructions :

That no purchases of horses or any other articles with the main army, or in any of the states for the use of the army, in the quarter-master general's department, be made, unless by order of the quarter-master general, or by a deputy quarter-master with a separate army or garrison :

That the quarter-master general make returns to the commander in chief and board of war, as soon as possible after they are delivered in to him by the assistant quarter-master general, of all officers and other persons employed, and stores belonging to the department, and that a deputy serving with a separate army, or with a garrison, make returns quarterly, in the months afore-mentioned, agreeably to the directions given to a deputy of a state, which the quarter-master general shall include in his general returns :

That all officers in the quarter-master general's department, of whatever denomination, shall take the oaths of allegiance and the oath of office prescribed by Congress, before they enter on business :

That, with the returns before directed to be made, of the name and station of each person to be appointed in the quarter-master's department, there be also at the same time certificates returned therewith, of their having respectively taken the oaths and qualifications afore-mentioned :

That in settling the accounts of officers in the quarter-master's department, to be appointed by this act of Congress, no pay or allowance whatever be granted to any person employed in that department, whose name and employment, together with a certificate of his taking the aforesaid oaths, shall not be duly returned in manner above directed ;

That the board of war shall have power to suspend and dismiss all supernumerary officers that may be employed in the quarter-master general's department.

*Resolved*, That major-général Greene be continued in the office of quarter-master general; that he be, and he is hereby directed to make the appointments and arrangements in the quarter-master's department, agreeably to the foregoing resolutions, as soon as possible.

*Provided*, That nothing contained in the foregoing resolutions shall be construed to annul the resolution of the 9th day of July, 1779, authorizing the executive authority of the respective states to correct abuses in the staff departments, or to vacate any appointment made, or that may be made by major-general Gates for the southern army, agreeably to the resolution of the 14th day of June last.

*Resolved*, That it be, and it is hereby recommended to the legislatures of the several states in which the army may serve, to make provision for furnishing the horses of the army, or detachments thereof, with a sufficient supply of pasturage, and with such hay or forage as can be spared from the country in the vicinity of the army or detachment thereof; the same to be settled and paid for by the quarter-master general with the army, or by the deputy in the state.

**MONDAY, July 17, 1780.**

Mr. Motte, a delegate for the state of South-Carolina, attended and produced the credentials of his appointment, which were read.

**TUESDAY, July 18, 1780.**

The board of treasury, to whom was referred the extract from Mr. Schuyler's letter of the 6th, report, as their opinion, that it is inexpedient to permit the commissaries of issues to furnish the retained rations in lieu of the subsistence money allowed to the officers of the line, but that the pay-master general be enabled to pay the subsistence money aforesaid:

*Resolved*, That Congress agree to the said report.

*Resolved*, That the resolution or act of Congress, of the 10th day of May last, respecting loan-office certificates destroyed through accident, be extended to loan-office certificates which have been or shall be thrown overboard of any vessel to avoid capture by the enemy.

On a report of the delegates of the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Connecticut, to whom was referred the letter of the 10th from general Washington, with an estimate of tents and other camp equipage wanted for the army:

*Resolved*, That a copy of general Washington's letter of the 10th instant, and the estimate of tents and other camp equipage wanted for the army, accompanying the same, be transmitted to the supreme executive powers of the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Connecticut, and that they be requested to take such measures as they may judge will be most speedy and effectual for procuring, within the said states respectively, the portions mentioned in the estimate, or as great a part thereof as may be had, especially of the most essential kinds.

*Resolved*, That the same assurances which were given to the subscribers to a bank in Pennsylvania, by resolutions of Congress of June 22d last past, be and hereby are given for the reimbursement of the expenses which shall be incurred by a compliance with the foregoing resolution.

Congress took into consideration the report of the committee to whom were referred the petitions of Thomas Jones, George Crothers, and others, artificers in the service of the United States; and thereupon,

*Resolved*, That the petitions before mentioned, be transmitted to his excellency the president and supreme executive council of Pennsylvania, to grant such relief as they shall judge just and reasonable to the petitioners, and to all other non-commissioned officers and privates of the corps of artificers in similar circumstances, who have been raised in the said state.

**WEDNESDAY, July 19, 1780.**

A report from the board of war was read ; Whereupon,  
*Resolved*, That lieut. la Clause receive the brevet of captain in the army of the United States, and that he be permitted to return to Europe.

**THURSDAY, July 20, 1780.**

A report from the board of treasury was read ; Whereupon,  
*Resolved*, That Henry Hollingsworth, deputy quarter-master general, be and hereby is suspended, and that some other person be appointed to transact the business of that department.

*Resolved*, That the deposition of Robert Anderson, respecting the supposed forgery of his name to a receipt, offered as a voucher in support of the accounts of Henry Hollingsworth, be transmitted to the executive authority of the state of Maryland, in order that such proceedings may be had against the person or persons concerned therein as may be agreeable to the laws of the state, at the expense of the United States.

**FRIDAY, July 21, 1780.**

The medical committee, to whom was referred the letter of the 15th from doctor Brown, brought in a report, which was read ; Whereupon,

*Resolved*, That Congress entertain a high opinion of the abilities, integrity and past services of doctor William Brown, physician-general, but as his present circumstances will no longer permit his continuance in the service, his resignation be accepted.

On motion of Mr. Matlack, seconded by Mr. Hill,

*Ordered*, That the board of admiralty enquire into the circumstances under which a quantity of sugars and other merchandise were imported in the frigate Confederacy, and who were the persons concerned in that transaction, and report thereon to Congress.

**MONDAY, July 24, 1780.**

A report from the board of treasury was read ; Whereupon,

*Resolved*, That from the particular circumstances attending the case of William Watson, and he having offered the best vouchers to support his claim that his present circumstances will admit of,

A warrant issue on the treasurer in his favor, for 7480 dollars, on account of the rum mentioned in his memorial to be furnished to Francis Coddington, deputy-commissary general of purchases in Georgia, and for which sum the said William Watson is to be accountable.

*Resolved*, That in the absence of a general officer, the supreme executive of the state of Massachusetts-Bay be, and hereby are authorized and requested, to draw warrants on the deputy pay-master general in that department for such sums of money as now are, or may be hereafter due on account of pay to officers and soldiers who have done, or are now doing duty in that state, or in the state of Rhode-Island.

Congress took into consideration the report of the committee on the letter from Moore Furman, deputy quarter-master ; and thereupon,

*Resolved*, That a copy of the said letter from Moore Furman, be transmitted to his excellency governor Livingston, and to the quarter-master general :

That the quarter-master general be directed immediately to appoint such suitable person as shall be approved by the supreme executive authority of the state of New-Jersey, to act as deputy quarter-master in the said state, agreeably to the late regulation of the quarter-master's department, in order that the measures therein provided for collecting forage and transporting provisions and other public stores, may be taken as soon as possible :



That, until such deputy is so appointed and approved, Moore Furman be authorized to receive from the state commissaries such quantities of forage, out of the supplies purchased for the United States, as may be necessary to enable him to forward the transportation of public stores; and that governor Livingston be requested to give orders to the state commissaries to deliver the same accordingly, if such order shall be necessary.

Congress took into consideration the report of the committee on the letter of the 19th of June last from major gen. Greene, quarter-master general; and thereupon,

*Resolved*, That major gen. Greene, quarter-master general, be informed, in answer to his letter of the 19th of June last, that Congress, conceiving it to be essential to the public interest, as well as incident to the nature of all offices entrusted with the disbursement of public monies, that those who exercise them should be responsible for such disbursement, whether it be made immediately by themselves or by agents appointed by and responsible to them, cannot, consistently with their duty to their constituents, by any general resolution, hold up a contrary maxim; but as they wish not to expose the faithful servants of the public to any unreasonable risks or losses, and are sensible that, on the various branches of the quarter-master's department abuses and frauds may possibly happen, notwithstanding all the customary precautions, that in all such cases they will determine on the circumstances as they arise, and make such favourable allowances as justice may require.

A report from the board of war was read; Whereupon,

*Resolved*, That the board of war and ordnance be authorized and directed to procure with all possible despatch, 615 tons of shot for battering cannon, and 947 tons of shells, of such sizes as they shall deem proper, according to the requisitions made by the commander in chief.

The board of admiralty having represented that there is a vacancy of a lieutenant of marines on board the *Saratoga*, and having recommended Mr. Abraham Vandyke for that office,

*Resolved*, That Abraham Vandyke be appointed a lieutenant of marines, and that his commission bear date the 7th of this month, from which time he has acted in that capacity, by order of the board of admiralty, on board the *Saratoga* sloop of war.

## TUESDAY, *July 25*, 1780.

A letter of the 20th, from gen. Washington, was read, inclosing a copy of a letter of the same date from brigadier gen. Maxwell, requesting leave to resign:

*Resolved*, That the resignation of brigadier gen. Maxwell be accepted.

*Resolved*, That Margaret Corbin receive annually, during her natural life, one complete suit of clothes out of the public stores, or the value thereof in money, in addition to the provision made for her by the act of Congress of July 6th, 1779.

Another report from the board of war was read; Whereupon,

*Ordered*, That monsieur la Clause receive one year's pay as lieut. in the legion late Pulaski's, and that the sum of 8000 dollars, in continental currency, be granted to him, to enable him to return to Europe.

Congress proceeded to the election of an assistant-quarter master general, to reside near Congress, and the ballots being taken, Charles Pettit, esq. was elected, having been previously nominated by Mr. Armstrong.

On motion of the delegates of Pennsylvania,

*Resolved*, That the supreme executive of the several states, which are called upon to furnish wagons for the service of the United States, be authorized to make such allowance for the hire of wagons as they shall think adequate, until deputy-quarter-masters are appointed for the states respectively.

A report from the board of treasury was read : Whereupon,

*Resolved*, That the interest due on the certificates issued from the loan-office in the state of North-Carolina be referred to that office for payment, to which office bills of exchange have been sent for the purpose of paying such interest.

The board of treasury, to whom was referred the letter of the 18th from sir James Jay, brought in a report ; Whereupon,

*Resolved*, That although sir James Jay has suffered considerably by the depreciation, in common with many other patriotic and virtuous citizens of these states, yet it is inexpedient to give any relief in the case stated in his letter of July 18th, 1780.

*Resolved*, That to enable the board of war to execute the authority vested in them by the resolution of the 24th, for the purpose of shot and shells, they be supplied with the sum of 4,000,000 of dollars, and that they be authorized to contract for the whole quantity of shot and shells mentioned in the resolution aforesaid, on the best terms possible, and agree, on behalf of the United States, to make payment in specie, or an equivalent in the currency of these states, at such periods as shall be mutually agreed on between the said board and the manufacturers, with interest at six per cent. per annum, from such times as shall be fixed on by the said board.

That the said board be furnished with the further sum of 435,000 dollars, for the purpose of procuring the articles of military stores enumerated in their second estimate of the 24th inst.

#### WEDNESDAY, July 26, 1780.

The medical committee, to whom was referred the memorial of Joseph Brown, brought in a report ; Whereupon,

*Resolved*, That Joseph Brown, surgeon to the 7th Pennsylvania regiment, have leave of absence for eight months.

The committee to whom was referred the letter from the minister of France, brought in a report ; Whereupon,

*Resolved*, That the frigates Trumbull, Confederacy, and Deane, and the sloop of war Saratoga, be put under the direction of gen. Washington, to be employed in co-operating with the fleet of his most Christian majesty, commanded by admiral the chevalier de Ternay, in any naval enterprizes on the coasts of North-America.

A report from the board of war was read ; Whereupon,

*Resolved*, That Ezekiel Cheever, esq. and lieutenant-col. David Mason, who have been employed at Springfield, in the state of Massachusetts-Bay, in the department of the commissary-general of military stores, be excused from further service at that post :

That the board of war and ordnance be authorized and directed to remove any unnecessary officers at that and any other post in the department of the commissary-general of military stores, and to arrange the affairs of the whole department in such manner as they shall deem most conducive to the public service, reporting their proceedings to Congress.

#### THURSDAY, July 27, 1780.

Whereas it is necessary that, during the war, the states be supplied with commissions, bonds and instructions, for private armed vessels, and that the bonds given by the commanders of the said vessels be returned into the office of the secretary of the United States in Congress assembled :

*Ordered*, That the commissions signed by the president, and attested by the secretary of the board of admiralty, together with the instructions and blank bonds, be lodged in the office of the secretary of Congress, and issued from thence to the several states, on the requisition of the supreme executive powers of the said states respectively :

That the bonds executed by the commanders of the private armed vessels, to whom commissions are or may be given, be lodged in the office of the secretary of Congress :

That an account be kept in the said office of the commissions, bonds, and instructions sent to the several states, and of the bonds returned by them respectively into the said office.

FRIDAY, *July 28, 1780.*

*Resolved,* That until the further order of Congress, Robert Patton, messenger, and William Hurrie, door-keeper to Congress, be allowed for their services at the rate of 40 dollars a day, continental currency, from the 20th day of April last.

Congress took into consideration the report of the board of war on the petition of Robert Jewell ; Whereupon,

*Resolved,* That until the further order of Congress, there be allowed to Robert Jewell, keeper of the new gaol, in Philadelphia, 60 dollars a day ; to each of his assistants 50 dollars a day, and to his turnkey 30 dollars a day, in the present continental currency, in full for their services and subsistence, and that this increased pay commence on the first day of March last.

MONDAY, *July 31, 1780.*

Congress proceeded to the election of a commissioner of the chambers of accounts ; and the ballots being taken, Mr. James M'Call was elected, having been previously nominated by Mr. Kinloch.

The board of war, to whom was referred the letter of the 26th, from the hon. the minister of France, brought in a report ; Whereupon,

*Resolved,* That, agreeably to the request of the honorable the minister of France, the board of war be authorized to take such measures relating to the subsistence of the recruits which shall be enlisted into the service of his most Christian majesty, out of the German deserters from the enemy, as the said board shall deem proper.

WEDNESDAY, *August 2, 1780.*

Congress took into consideration the report of the committee on the letters of July 18th, 20th, and 21st, from the committee at head-quarters.

The first paragraph being read, viz.

That the subject matter of the quarter-master general's letter to the said committee at camp, so far as it regards his responsibility, has been already determined by Congress ; and, as the committee knew that the quarter-master general had requested the sense of Congress on so important a subject, they ought not to have interfered therein.

*Resolved,* That Congress agree to the same.

*Ordered,* That the second paragraph be re-committed.

The third paragraph being read, viz.

That, upon the representation made in the said committee's letter, of the deficiency of the state of Pennsylvania, it is incumbent on Congress, in duty to the United States, and in justice to Pennsylvania, to request the said state, through their delegates, to acquaint Congress, as precisely as possible, what supplies they have actually made for the army, in pursuance of requisitions made to them for that purpose :

*Resolved,* That Congress agree to the same.

*Ordered,* That an extract of that part of the letter of the 18th, from the committee at camp, which relates to a letter from the board of war to gen. Washington, be referred to the board of war, for their consideration :

That the letters of Jeremiah Wadsworth, to major-general Greene, quarter-master general, inclosed in the letter of the committee, be referred to the

board of war ; and that the board confer with Mr. Holker on the subject, if they think necessary :

That the memorial from col. Hazen, with the papers inclosed, and the letter from Lewis Garanger, both which are inclosed and referred to in the letter from the committee, be referred to the board of war ; but that the committee at camp be informed that the said memorial and letter, together with other applications made to them, and which seem to have employed their time and attention, should have been made directly to Congress, and the committee should thus have informed their applicants.

#### THURSDAY, August 3, 1780.

A report from the board of treasury was read : Whereupon,

*Ordered*, That the memorial of William Turnbull be referred to the board of admiralty, and that the board either accept or refuse the bills mentioned in the said memorial, as they may deem just and reasonable ; and if the said bills, or any of them, be accepted, that the board of treasury be required to provide the means of payment.

*Resolved*, That, for payment of interest due on loan-office certificates, the sum of 456,000 dollars be prepared, under their direction, agreeably to a resolution of Congress, dated the 28th of May, 1778, in setts of exchange, on the commissioners at Paris, of the following denominations, viz.

1000 setts of 36 dollars each, -	36,000	200 setts of 500 dollars each, -	60,000
2000 do. of 60 do. -	120,000		
2000 do. of 120 do. -	240,000		
			<u>\$456,000</u>

Whereas the present invaded situation of the states of South-Carolina and Georgia, renders it expedient that the loan-offices in the said states, respectively, be removed to some place of security, until such time when they may be re-established with safety :

*Resolved*, That all moneys, books, and papers, appertaining to the continental loan-offices in the states of South-Carolina and Georgia, be deposited and remain in some place of safety, as contiguous as possible to the said states, to be approved by the executive authority of such states respectively, until the said offices may be re-established in the aforesaid states, respectively, with convenience and safety :

That until such offices be so fixed, and public notice given thereof, and also a notification to the board of treasury, the treasurer of the United States be empowered to pay all interest that is or shall be due on certificates issued from either of the offices aforesaid, in the same manner that such interest is directed to be paid by the commissioners of the continental loan-offices.

#### SATURDAY, August 5, 1780.

Congress resumed the consideration of the report of the committee on the letter of July 26th, from major-general Greene ; Whereupon,

*Resolved*, That the absolute refusal of major-gen. Greene, at this important crisis, to act under the new arrangement of the quarter-master general's department, has made it necessary that the office of quarter-master general be immediately filled.

Congress took inso consideration the report of the committee on the letter of the 30th of June last, from brig. gen. Moultrie ; Whereupon,

*Resolved*, That whenever Congress shall be properly notified of the breach of parole given by any citizen of the United States, as a prisoner of war to the enemy, and the circumstances relating to the same shall be ascertained, Congress will take such order thereon as the law of nations and the rules of war shall require, and that in the mean time there is no cause to apprehend, from any such instance said to have happened, that prisoners who have duly observed their paroles can, upon any just principle, incur the danger of suffering by means of misconduct of any other.

**Resolved**, That capt. George Turner be discharged from the office of commissary of prisoners, and that he deliver to brigadier Moultrie the bills of exchange which were given to him by major-gen. Lincoln, and brig. gen. Moultrie, deliver the said bills back to Mr. Abraham Livingston, the drawer, taking his receipt, and make return of the amount of the said bills to the board of treasury.

**Resolved**, That brig. gen. Moultrie be, and hereby is, authorized to appoint a suitable person to act as commissary of prisoners in Charleston, and return the name of the person appointed to Congress for their approbation, if they shall judge proper.

**Resolved, unanimously**, That Congress proceed to the election of a quarter-master general:

Congress accordingly proceeded, and the ballots being taken, Mr. Timothy Pickering was elected.

**Resolved**, That a committee of three be appointed to consider and report the terms on which Timothy Pickering, esq. shall serve as quarter-master general: the members chosen, Mr. Sherman, Mr. Ward, and Mr. Clark.

The committee appointed to report the terms on which T. Pickering shall serve as quarter-master general, brought in a report; Whereupon,

**Resolved**, That Timothy Pickering, esq. having been appointed quarter-master general upon an extraordinary emergency, be continued as a member of the board of war; but that the exercise of all his powers at the said board, and his pay as a member thereof, be suspended during such time as he shall continue quarter-master general:

That, while he holds the office of quarter-master general, he have the rank of colonel, and the pay and rations of a brigadier-general, over and above the pay allowed the quarter-master general in the late arrangement of the quarter-master's department.

Congress took into consideration the report of the committee, appointed to take into consideration the state of South-Carolina and Georgia; Whereupon,

**Resolved**, That the commander in chief be informed, it is the sense of Congress, the land and naval forces, as well of his most Christian majesty, as these United States, or such part thereof as he shall think necessary, be employed in the manner, and at the time that shall appear to him most convenient for the expulsion of the enemy from their several posts, in the states of South-Carolina and Georgia, and that he concert with the officers commanding the fleet and army of his most Christian majesty, the proper measures for this purpose, and carry such measures into execution, so as not to interfere with any plan of operation formed against the enemy, as the more immediate objects of the present campaign.

That the commander in chief (if he shall think it necessary) concert with the proper officers and ministers, such plan of operations to be undertaken by any other of his most Christian majesty's forces, or by the forces of his Catholic majesty now combined in the West-Indies, or to be drawn from the province of Louisiana, or elsewhere, as may either immediately, or in their effect, facilitate or assist the proper enterprize.

That Congress will, so soon as they shall be properly informed by the commander in chief, make the necessary requisition from the states for supplies, and afford every other aid and assistance in their power for promoting and effectually prosecuting the undertaking.

That the recruits now raising in the state of Virginia, for filling up their quota of continental troops, be marched as soon as possible to join the southern army, under the command of major gen. Gates.

MONDAY, August 7, 1780.

A letter, of this day, from T. Pickering, was read, notifying his acceptance of the office of quarter-master general.



A report from the board of admiralty was read ; Whereupon,

*Resolved*, That any officer who, by virtue of his commission or warrant, hath served, or hereafter shall serve, on board any ship of war of 20 guns and upwards, belonging to the navy of these states, and shall thereafter serve in the same rank on board any other vessel of inferior force, such officer shall receive the same pay as he was entitled to when serving in a ship of 20 guns and upwards ; any resolution to the contrary notwithstanding.

The board of admiralty, to whom was referred the letter of July 28, from gov. Lee, of Maryland, report,

That the Trumbull, Deane, Confederacy and Saratoga, are the only ships that are or will be ready for sea this season ; that these ships, by an act of Congress of the 26th of July last, are put under the direction of gen. Washington, to be employed in co-operating with the fleet of his most Christian majesty, commanded by the admiral chevalier de Ternay, and therefore it is at present impracticable to comply with the request of the governor and council of Maryland :

*Resolved*, That Congress agree to the said report.

Congress took into consideration the report of the committee on the letter of July 10th, from gen. Washington ; Whereupon,

*Resolved*, That gen. Washington be and he is hereby authorized to effectuate an exchange of officers, either on the footing of equal rank, or on composition, or both, as the cases may respectively require, confining the exchange on that of composition to officers only, and having due regard to the order of captivity ; such exchange to be rendered as extensive as possible in its execution, so as not only to include, on the part of the enemy, prisoners of war, but also the officers of the convention troops, now on parole at New-York.

*Ordered*, That the board of war form and report an estimate of supplies for the subsistence and clothing of the officers belonging to the armies of the United States, or who were taken in their service and remain prisoners of war, either at New-York or South-Carolina, or elsewhere in the United States, and for making good to the privates, prisoners in those places, the deficiency of the short rations allowed to them by the enemy, and providing them with necessary clothing ; and also of the contingent charges that may be occasioned by sickness among the prisoners ; and that they report the ways and means by which the above mentioned supplies may be best furnished.

*Ordered*, That gen. Washington take the necessary steps for establishing a resident commissary of prisoners at New-York, and major gen. Gates another in South-Carolina or Georgia, to have the care of prisoners in those places, according to the usage and customs of war.

The committee on the state of South-Carolina and Georgia brought in a further report, which was taken into consideration ; and thereupon,

*Resolved*, That the balance of the quota of ten millions of dollars, required of the commonwealth of Virginia by the act of Congress of May 19, 1780, be appropriated to the pay and subsistence of the continental army in the southern department, and that the executive of Virginia be requested to send on the same when collected, to major gen. Gates, to be applied for the purposes aforesaid, as he shall direct.

Congress having been informed, that many persons in the southern department, from Virginia to Georgia, inclusive, have shewn a willingness to serve as volunteer horsemen, finding their own horses and accoutrements, during the present campaign ; and being also fully convinced of the necessity of having a body of horse in the field to serve in that department :

*Resolved*, That it be recommended to the executives of the said states,

respectively, to encourage and promote the raising a corps of volunteer horsemen, not exceeding 500 in the whole, submitting to major-gen. Gates the number that shall be raised in each state, and that they be authorized to give the following assurances on behalf of Congress :

That officers and privates, so serving as volunteer horsemen in the southern department, during the present campaign, shall be entitled to the same pay and rations as officers and privates of the continental light-dragoons, with an advance of one-sixth of a dollar in specie, or other money equivalent, per day, for the use of their horses ; such pay, rations, and allowance, to commence from the time of their arrival at head-quarters, or joining any detachment of the southern army, by order of major-gen. Gates ; provided that such horsemen shall engage to serve during the campaign, or at least for the term of four months, after they shall join the army, or a detachment thereof, unless sooner discharged.

That, if any horses belonging to such volunteers shall be killed or unavoidably lost, while in actual service, Congress will credit the state to which the owners of such horses belonged for the value ; provided, that such horses shall have been properly valued, on oath, agreeably to the laws of the said states, as in cases of horses impressed, and that the valuation do not exceed 100 dollars in specie for one horse.

TUESDAY, *August* 8, 1780.

The board of war, to whom was referred the memorial of W. Clajon, brought in a report ; Whereupon,

*Ordered*, That the sum of 14,000 dollars be paid to William Clajon, secretary to major-gen. Gates, on account, to enable him to proceed to join the southern army, and for his pay and subsistence money, up to this day.

*Resolved*, That in future he be allowed four rations, the value of three of them to be paid him in subsistence money, agreeably to the resolution of August 18, 1779.

The board of war, to whom was referred the letters of July 20, from gen. Washington and brigadier-gen. Maxwell, report,

That hitherto, when an officer resigned his commission in our army, he also resigned all pretensions to any rewards or benefits arising from his appointment ; nor would it be politic or just that officers quitting the service, before the termination of the war, should receive the like rewards with those who continue in service until it be brought to a period : it is however consistent with the intention of Congress, as expressed in the resolution of the 10th day of April last, that officers whose resignations are accepted by Congress, after that resolve, should enjoy all the benefits accruing therefrom, as will appear by the proviso at the close of the resolution, the terms thereof clearly comprehending brigadier-gen. Maxwell's case, the board conceive no further act of Congress necessary ;

*Resolved*, That Congress agree to the said report.

The board of admiralty, to whom was referred the petition of capt. Henry Mitchell, report,

That the vessel and cargo mentioned in the said petition, as having been seized by capt. Nicholson, of the continental frigate Deane, being libelled in the maritime court in the state of Massachusetts-Bay, is in course of procedure to bring the legality of the capture to a decision, and therefore, it is inexpedient for Congress to interfere in the matter :

*Resolved*, That Congress agree to the said report.

A letter, of this day, from H. Hollingsworth, was read ; Whereupon,

*Ordered*, That the board of treasury enquire into the circumstance or the supposed forgery of Robert Anderson's name to a receipt, offered as a

voucher, in support of the accounts of H. Hollingsworth, and report to Congress.

**WEDNESDAY, August 9, 1780.**

On a motion by Mr. Walton, seconded by Mr. Bee,

**Resolved**, That the board of treasury be directed to prepare bills of exchange, of suitable denominations, upon the hon. Benjamin Franklin, minister plenipotentiary at the court of Versailles, for 100,000 dollars in specie.

**Resolved**, That the bills be made payable at 90 days sight.

The committee to whom was referred the letter from the hon. R. Izard, late commissioner to the court of Tuscany, brought in a report, which was read; Whereupon,

**Resolved**, That Congress are convinced of the faithful endeavours of Mr. Izard to fulfil the objects of the commission to which he was appointed by them on the 7th of May, 1777, and approve of the reasons which determined him not to proceed to the court of Tuscany.

**FRIDAY, August 11, 1780.**

The board of war, to whom was referred the extract from Mr. Bradford's letter of the 12th of July last, brought in a report; Whereupon,

**Resolved**, That Congress approve the conduct of John Bradford, continental agent, in delivering to the deputy quarter-master general at Boston, 188 pieces of ticklenburg, and in delivering to Messrs. Otis and Henry 57 pieces of oznaburgs.

**Ordered**, That the committee appointed on the 13th day of April last, to repair to head-quarters, be discharged from further attendance there, and that they report their proceedings to Congress.

On motion of the delegates for the state of New-Jersey:

**Resolved**, That Joseph Borden, of Bordenton, esq. commissioner of the continental loan-office for the state of New-Jersey, or the commissioner of the said office for the time being, be appointed commissioner, on the part of the United States, to endorse the bills of credit to be issued by the state of New-Jersey, in pursuance of the resolutions of the 18th day of March last; and that, in case of the disability of the said Joseph Borden, or the commissioner of the said loan-office for the time being, Joseph Kirkbride, of Bordenton, aforesaid, be appointed to endorse the said bills.

**Resolved**, That a committee of three be appointed to report the salaries of the judges of the court of appeals in cases of capture, and of the commissioners, clerks and others, employed in the several boards, and other officers acting immediately under Congress; that the same may be paid, as they come due, in specie, or other current money equivalent; and that after they are ascertained and fixed, no further advances be made on account of salary: the members chosen, Mr. Houston, Mr. Hanson and Mr. Sherman.

The committee to whom was referred the letter from Mr. Izard, laid before Congress an account exhibited by Mr. Izard against the United States for his expenses and salary, in which a balance of 52,113 livres is stated to be due to Mr. Izard; Whereupon,

**Resolved**, That the hon. Henry Laurens be, and is hereby authorized and directed to pay to the order of the hon. Ralph Izard, the sum of 52,113 livres tournois, out of such moneys as he shall borrow, for the use of the United States, in Holland.

**Resolved**, That the board of admiralty be informed that it is not the sense of Congress, by agreeing with their report on the petition of Henry Mitchell, that persons coming with their effects to settle in these United States, or persons removing their property from the dominions of Great-Britain, who can, by protections obtained from any of the ministers of these United States

make it appear that their design was only to remove their property from the power of the enemy, or who are bringing arms, ammunition or military stores, to these United States, agreeably to the resolution of March 23d, 1776, should be molested by unnecessary suits.

**SATURDAY, August 12, 1780.**

*Ordered*, That brigadier-gen. Moultrie make return of the person whom he shall appoint commissary of prisoners in Charleston, to major-general Gates, or the commanding officer in the southern department, for his approbation; and that so much of the resolution of the 5th as requires brigadier-gen. Moultrie to make return to Congress, be and is hereby repealed.

The board of war report,

That, pursuant to a resolution of July 26th, they have enquired into the state of the department of military stores; and upon mature deliberation, propose to retain in service one commissary-general of military stores, one deputy commissary-general, one commissary at Springfield, one commissary at Carlisle, one commissary in Virginia, and two or three other commissaries, or deputy commissaries, at some subordinate posts and stations:

They also propose to retain but one officer to each company of artificers, who, with his serjeants, will be competent to the proper direction of his men.

That the pay of a commissary of military stores be not less than \$60, nor more than 1750 dollars per month:

That the pay of a deputy commissary, or a conductor of military stores, be not less than 240, nor more than 1000 dollars per month:

That the pay of the clerks be fixed by the board of war and ordnance, in proportion to their respective merit and services:

That the pay of a captain of artillery artificers be 900 dollars per month; a captain-lieutenant 750 dollars per month; a lieutenant 600 dollars per month; a serjeant from 150 to 200 dollars per month; a corporal, acting as a foreman in any branch of work, the same pay as a serjeant:

Other corporals and drummers, fifers and privates, from 30 to 150 dollars per month:

That the pay of the commissaries, deputy commissaries and conductors, to be confined within the limits before-mentioned, be fixed according to their respective merit and services, by the board of war and ordnance:

That the pay of the non-commissioned officers and privates be fixed according to their respective merit and services, within the limits before-mentioned, by the major part of their commissioned officers, who shall meet together monthly for that purpose:

That a daily ration of forage be allowed only to such commissaries and conductors of military stores, whose frequent travelling shall, in the opinion of the board of war, require the same.

*Resolved*, That Congress agree to this report, and that the same be carried into execution until the further order of Congress.

Congress took into consideration the report of the committee on the memorial of the general officers; Whereupon,

*Resolved*, That the said general officers be informed that Congress have at no time been unmindful of the military virtues which have distinguished the army of the United States through the course of this war; and that it has been constantly one of the principal objects of their care, not only to provide for the health and comfort of the army, but to gratify their reasonable desires, so far as the public exigencies would admit:

That patience, self-denial, fortitude and perseverance, and the cheerful sacrifice of time and health, are necessary virtues which both the citizen and soldier are called to exercise, while struggling for the liberties of their country; and that moderation, frugality and temperance, must be among the

chief supports, as well as the brightest ornaments, of that kind of civil government which is wisely instituted by the several states in this union :

That it has been recommended to the several states to make compensation for the officers and soldiers to them respectively belonging, for the depreciation of their pay ; and that Congress will take speedy measures for liquidating and paying what is due on that account, to the officers and soldiers who do not belong to the quota of any state :

That from and after the 1st day of August, 1780, the army shall be entitled to receive their pay, as stated before the first day of January, 1777, in the new bills emitted pursuant to the resolution of Congress of the 18th of March last :

That the officers shall hereafter be allowed five dollars per month, in the said new bills, for each retained ration :

That the board of war be directed to report to Congress a list of the officers not belonging to the quota of any state, with an account of the balance due to each, to make their pay good for past services, agreeably to the resolution of Congress of the 10th day of April last :

That such of the states as have not made compensation to their officers and soldiers, agreeably to the recommendation of August 17th, 1779, be and they are hereby requested to do it as soon as possible :

That the provision for granting lands, by the resolution of September 16th, 1776, be and is hereby extended to the general officers, in the following proportion : to a major-general 1100 acres ; a brigadier-general 850 acres :

That the officers of the army be furnished, as soon as possible, with two months' pay, on account, to relieve their present wants, mentioned in their memorial.

#### TUESDAY, *August 15, 1780.*

On a report of the board of treasury, to whom was referred a motion respecting the sale of the bills ordered to be drawn by the resolution of the 9th, and the appropriation of the moneys arising from the sale :

*Resolved*, That the bills of exchange directed to be prepared by the resolution of the 9th, on the honorable Benjamin Franklin, minister plenipotentiary at the court of Versailles, to the amount of 100,000 dollars specie, be filled up by the commissioner of the continental loan-office for the state of Pennsylvania, and made payable to Joseph Clay, deputy pay-master general in the southern department, or order :

That the said bills be transmitted to the said Joseph Clay, to be sold at par for specie, or bills emitted agreeably to the resolution of the 18th of March last, or for other moneys, agreeably to the instructions of the board of treasury, or to be disposed of for provisions and necessaries for the army, on the best terms that can be obtained, for the United States :

That the moneys arising from such sale, be applied under the direction of the commanding officer in the southern department, to the purchase of provisions and other supplies absolutely necessary for the subsistence of the southern army ; and that the said Joseph Clay be, and hereby is, required to give regular and constant information to the board of treasury respecting the sale of the bills and the application of the moneys aforesaid ; and that the aforesaid Joseph Clay, deputy pay-master general in the southern department, be charged in the treasury books, with the aforesaid bills, amounting to the sum of 100,000 dollars specie.

Congress took into consideration the report of the board of treasury, pursuant to the order of the 8th, and the letter from H. Hollingsworth : Whereupon,

*Resolved*, That all the papers relative to a supposed forgery in the vouchers of accounts of Henry Hollingsworth, mentioned in the order of the



20th of July last, with the names of the witnesses, be sent by the board of treasury to the executive of the state of Maryland, for the purpose expressed in the said order; and that the chamber of accounts, who examined the said vouchers, furnish the said board with the names of such witnesses as they may think material.

The committee to whom was referred the letter of the 9th from Charles Pettit, brought in a report: Whereupon,

*Resolved*, That the assistant quarter-master general be allowed one or more clerks, as the nature of the service may require, and the board of war shall approve.

The board of treasury, to whom was re-committed their report on the letter of gov. Greene, brought in a report: Whereupon,

*Resolved*, That the following letter be written by the president of Congress to governor Greene:

SIR: Your letter of the 22d and 25th of last month, to the delegates of your state, have been laid before Congress; and, in answer thereto, I am to acquaint you, that Congress have a proper sense of the exertions of the state of Rhode-Island and Providence Plantations, in the common cause:

That any disbursements which may be made by that state, for the use of the United States, beyond its quota, shall be reimbursed as soon as circumstances will admit:

That Congress depend on the several states for the necessary supplies of money for carrying on the war:

That the bills of credit to be emitted, in pursuance of the resolutions of the 18th of March last, will yield a supply as soon as the several quotas of the continental bills of credit are collected to be destroyed:

That the quota of the aforesaid bills for your own state shall be transmitted as soon as possible after a copy of the act complying with the resolution, is received.

If taxes were laid, payable in new bills or specie, it would have a good tendency to introduce the said bills into circulation in full credit.

### WEDNESDAY, *August 16, 1780.*

A letter, of May 28th, from the hon. J. Jay, was read, informing that he had seen a resolution of Congress of November 8th, 1779, by which the late and former presidents are desired to lodge, as soon as they conveniently can, in the secretary's office, copies of all public letters by them respectively written during their presidentship: that after he had resigned the chair, and immediately on the election of his excellency Samuel Huntington, he delivered to him a book, containing copies of public letters he had written during his presidentship, to be lodged in the secretary's office, which he presumes was done; and that it gave him concern, therefore, to find the resolution made to extend to him; and desiring that it may appear by the entry made on the receipt of this letter, that he had done that part of his duty in season, and without the express order of Congress.

### THURSDAY, *August 17, 1780.*

A report from the board of treasury, was read; Whereupon,

*Resolved*, That the board of treasury be, and hereby are, authorized to honor, without further advice, such bills of exchange as, in the opinion of the board, appear evidently to have been drawn by major-general Lincoln, on the president of Congress, although not contained in any letter of advice, agreeably to the terms prescribed by the resolutions of Congress of the 23d of March and 10th of July last.

The committee to whom was referred the letter of the 3d from the count Rochambeau, brought in a report: Whereupon,

*Resolved*, That Congress have a just sense of the vigilance and prudence of the commanders of the fleet and army of our ally, in taking the precautions mentioned in the letter of Monsieur the count de Rochambeau, of the 3d of August, as well as of his attention to the ease and convenience of the militia of these states. The spirit, good order, and discipline of the troops under his command, deserve their warmest approbation.

The committee to whom was referred the petition of John P. Lynch, and the report of the court of appeals thereon, brought in a report; Whereupon,

*Ordered*, That John P. Lynch, now confined in the state prison, as a prisoner of war, be discharged.

FRIDAY, August 18, 1780.

A report from the board of admiralty was read; Whereupon,

*Resolved*, That it is not necessary any longer to continue John Nixon and John M. Nesbit, esqrs. in their agency for prizes; and therefore,

*Resolved*, That the said John Nixon and John M. Nesbit, continental agents for prizes in the state of Pennsylvania, be discharged, and that they account, without delay, with the board of admiralty.

*Resolved*, That until the further order of Congress, the board of admiralty, *ex officio*, take charge and direct the disposition of all prizes which may be brought into the state of Pennsylvania.

Congress resumed the consideration of the proceedings of the court-martial on the trial of doctor Shippen, director-general, and thereupon resolved as follows:

The court-martial having acquitted the said doctor Shippen:

*Ordered*, That he be discharged from arrest.

SATURDAY, August 19, 1780.

A letter, of this day, from T. Pickering, quarter-master general, was read: Whereupon,

*Resolved*, That major-gen. Greene, late quarter-master general, be and hereby is directed to furnish col. Pickering, quarter-master general, with returns of all buildings, vessels and craft, horses, wagons, stores and articles, of what kind soever, in possession or under the direction of any officers or persons employed under him in his late department, and which are occupied on account of or belong to the United States; and also with full information in writing of all public contracts and purchases by them made, of which the terms have not been fully executed, or the services or articles contracted for or purchased have not been completely rendered or delivered:

That in the mean time he direct all officers and others employed under him, on the demand of any deputy or store-keeper appointed under the plan for regulating the quarter-master general's department, to deliver to such deputy or store-keeper, on their producing their appointments respectively, and the orders of the quarter-master general to receive them, all the articles before enumerated, and any others in their possession or under their direction, which are occupied on account of or belong to the United States, together with the written evidences of the contracts and purchases aforesaid which yet remain unexecuted.

The board of treasury, to whom was re-committed their report on the letter of the 15th from gen. Rutledge, brought in a report; Whereupon,

*Ordered*, That the board of treasury furnish governor Rutledge, of South-Carolina, with bills of exchange drawn on the honorable Benjamin Franklin, minister plenipotentiary from the United States at the court of Versailles, at 60 days sight, to the amount of 2000 dollars, to be charged in specie to the said state of South-Carolina.

MONDAY, August 21, 1780.

A report from the board of treasury was read; Whereupon,

**Resolved**, That the board of treasury be empowered to rent apartments for the accommodation of the treasury, and pay for the same in specie, or current money equivalent.

On motion of the delegates of New-York,

**Resolved**, That Abraham Yates, jun. commissioner of the continental loan-office for the state of New-York, or the commissioner of the said loan-office for the time being, be and hereby is appointed commissioner, on the part of the United States, to endorse the bills of credit to be issued by the state of New-York, in pursuance of the resolutions of Congress of the 18th day of March last; and that in case of the disability of the said Abraham Yates, jun. or the commissioner of the said loan-office for the time being, Abraham G. Lansing be appointed to endorse the said bills.

### TUESDAY, *August 22*, 1780.

Congress took into consideration the report of the committee to whom was re-committed the report on the extract from the letter of W. Denning, and thereupon came to the following resolution:

Whereas it is of the utmost importance effectually to prevent the destruction, waste, embezzlement and misapplication of the public stores and provisions, upon which the existence of the armies of these United States may depend, and no adequate provision hath been made for the just punishment of delinquents in the departments of the quarter-master general, commissary-general of purchases, commissary general of issues, clothier-general, commissary-general of military stores, purveyor of the hospitals, and hide department; therefore,

**Resolved**, That every person in any of the said departments, intrusted with the care of provisions, or military or hospital stores, or other property of these United States, who shall be convicted, at a general court-martial, of having sold, without a proper order for that purpose, embezzled, or wilfully misapplied, damaged or spoiled, any of the provisions, horses, forage, arms, clothing, ammunition, or other military or hospital stores, or property belonging to the United States of America, shall suffer death, or such other punishment as shall be directed by a general court-martial, according to the nature and degree of the offence, at the discretion of such court; and every person in any of the said departments, intrusted as aforesaid, who shall be convicted at a general court-martial of having, through neglect, suffered any of the articles aforesaid to be wasted, spoiled or damaged, shall suffer such punishment as the said court shall, in their discretion, direct, according to the degree of the offence.

Congress took into consideration the report of the committee on the letter from Mr. Lotbinier; and thereupon,

**Ordered**, That the board of treasury make such an adjustment of the account of the Rev. Lewis Lotbinier, as that he may receive the full benefit of the stipulation made to him by gen. Arnold, on the 26th of January, 1776, and confirmed by Congress on the 10th of August following.

### WEDNESDAY, *August 23*, 1780.

Congress took into consideration the report of the board of treasury on the letter from col. Pickering, quarter-master general, and thereupon came to the following resolutions:

**Resolved**, That no certificates issued in the quarter-master's and commissary's departments after the 15th day of September next, afford any claim upon the United States, unless issued under the following regulations:

1st. That they be for services performed or articles purchased within their respective departments.

2dly. The quarter-master general and commissary general shall themselves sign all such certificates as are issued in their respective departments.

3dly. All such certificates shall be given for specie, or other current money equivalent.

4thly. All contracts or purchases made, for which certificates shall be given, shall be made for specie value.

5thly. The articles so purchased shall be enumerated in such certificates, with the rates and prices thereof; and the prices shall be reasonable when the present circumstances of our affairs are compared with the cost of articles of like quality, or services performed, in the year 1775, or when compared with the allowance by Congress to the United States, as expressed in their resolution of the 25th of February last.

*Resolved*, That certificates issued under and agreeably to the foregoing regulations, shall bear an interest of six per cent. per annum, from the time stipulated for payment, until paid.

*Resolved*, That the quarter-master general and commissary general be, and hereby are strictly enjoined to make monthly returns of their purchases and proceedings to the board of war, and make monthly returns, to wit, on the last day of every month, to the board of treasury, of all certificates so issued as aforesaid.

The board of treasury, to whom was referred the report of the board of war, delivered in a report; Whereupon,

*Resolved*, That the board of treasury be and hereby are empowered to direct Thomas Smith, commissioner of the continental loan-office, for the state of Pennsylvania, to sell, under their direction, for specie, the bills ordered to be drawn on the hon. J. Jay, which were reserved for the use of the prisoners of war of the United States, amounting to 71,350 dollars, specie:

That one half of the specie aforesaid be applied, under the direction of the board of war, for the purpose of supplying the prisoners of war in the states of South-Carolina and Georgia:

That the other half of the specie aforesaid, be forwarded, under the direction of the board of war, to the commissary of prisoners, in the middle department, for the supply of the prisoners at New-York:

That the board of treasury be and hereby are empowered to prepare bills of exchange, to be drawn on the hon. Benjamin Franklin, minister plenipotentiary at the court of Versailles, at 90 days sight, to the amount of 150,000 dollars, specie; the amount of the estimate from the board of war. That so much thereof as will complete the estimate of the board of war, be sold for specie, and forwarded to the commissaries of prisoners in the middle and southern departments, under the same regulations, and for the same purposes as aforesaid; the residue of the 150,000 dollars, to replace the 71,340 dollars aforesaid, be reserved for the special direction of Congress.

#### THURSDAY, August 24, 1780.

Congress took into consideration the report of the committee on the memorial of the general officers; and thereupon,

*Resolved*, That the officers of the line of the army, commanding corps, when in camp, be allowed to draw so many of the rations of provisions heretofore withheld, as the commander in chief, or the commander of a separate army, shall judge necessary; but that no provision be issued for back rations not drawn on the days they became due:

That if it shall appear that the subsistence money, allowed to officers in lieu of the rations withheld, is not equal to the cost of the rations, the deficiency shall hereafter be made up to them:

That the resolution of the 15th day of May, 1778, granting half-pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died,

or shall hereafter die in the service; to commence from the time of such officers' death, and continue for the term of seven years; or if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any; and that it be recommended to the legislatures of the respective states to which such officers belong, to make provision for paying the same, on account of the United States:

That the restricting clause in the resolution of May 15th, 1778, granting half-pay to the officers for seven years, expressed in these words, viz. "and not hold any office of profit under these states, or any of them," be and is hereby repealed.

FRIDAY, August 25, 1780.

*Resolved*, That major-gen. M'Dougall be entitled to receive the allowance of major-gen. in a separate department, during the time he commanded the posts in the Highlands.

On motion of Mr. Henry, seconded by Mr. Adams,

*Resolved*, That when the governors or presidents of two or more states act in the field together, he who has been longest in office shall take rank of all other governors or presidents, except the governor or president of the state in which they are; who, in his own state, notwithstanding he may be youngest in office, always takes rank.

*Resolved*, That whenever the governors or presidents of states act in conjunction with continental troops, they shall, for the time they so act in conjunction, have the rank of major-general in the line of the army:

Provided always, that nothing in the above resolutions shall exclude the governor of any state from a separate command over the militia of the state in which he presides, where not inconsistent with the particular views of the commander in chief.

On motion of Mr. Livingston, seconded by Mr. Armstrong,

*Resolved*, That the half pay of general officers be proportioned to their pay.

Congress took into consideration the report of the committee on the letter of the 18th, from gov. Rutledge; and thereupon,

*Resolved*, That gov. Rutledge be informed that Congress have paid, and will continue to pay, attention to all who have had the misfortune of being captivated by the enemy; and that those captivated at the surrender of Charleston will equally share the care and attention of Congress with those captivated in any other of the United States.

*Resolved*, That the remaining part of gov. Rutledge's letter, respecting a supply of arms and ammunition for the army under major-general Gates, be referred to the board war to take order.

On motion of Mr. Bee, seconded by Mr. Walton, Congress passed the following resolutions:

It being represented to Congress that four good pilots for the coasts and bars of South-Carolina and Georgia, are now in this city:

*Resolved*, That the board of admiralty be and hereby are directed to retain them in the service of these United States, and engage them to remain here until the further order of Congress.

*Resolved*, That Friday, the 1st of Sept. next, be assigned for electing a member of the court of appeals, in the room of the late Mr. Hosmer, deceased.

SATURDAY, August 26, 1780.

*Resolved*, That the resolution of December 27th, 1779, ordering "that the post-office be so regulated as that the post shall set out and arrive at the place where Congress shall be sitting, twice in every week, to go so far as Boston, in the state of Massachusetts-Bay, and to Charleston, in the state of South-Carolina," be and hereby is repealed.



Whereas a large and immediate supply of money is necessary for carrying on the operations of the war, and for the payment of debts due for supplies heretofore furnished, and for the payment of interest on loan-office certificates:

*Resolved*, That it be earnestly recommended to the several states, to take the most speedy and effectual measures in their power, for drawing in their respective quotas of the continental bills of credit, to be destroyed, either by a tax to be collected immediately, or by exchanging for them new bills, to be emitted pursuant to the act of the 18th of March last, at a rate not less than forty of the former for one of the latter; so that the whole of the said new bills may be issued:

That it be recommended to the several states to raise by taxes, payable in the bills emitted pursuant to the act aforesaid, or in specie, their respective quotas of \$,000,000 of dollars, agreeable to the apportionment of October 7th, 1779, and pay the same into the treasury of the United States as soon as possible; the payment to be fully completed by the last day of December next, each state to be allowed interest for the same, from the time it is paid, to be hereafter adjusted, according to the resolution of October 6th, 1779:

That major-general Greene, late quarter-master general, and Jeremiah Wadsworth, late commissary-general of purchases, and the present commissary-general of purchases, respectively, render an account to the board of treasury of the amount of the moneys due from them, on certificates or otherwise, on public account, specifying the sum due in each state, in order that warrants may issue in their favor on the treasurers of such states, for payment of the same, out of the moneys to be collected for the United States, as aforesaid, which warrants being paid, shall be accepted by the treasurer, towards such state's quota of the moneys to be raised as aforesaid; and it is further recommended to such states to provide that the certificates of the said quarter-master and commissaries, and those who purchased under them, be received in payment of the said taxes, to the amount of such warrants, under proper regulations for preventing fraud.

And to prevent the possibility of any depreciation in the bills to be emitted agreeably to the act of the 18th of March aforesaid, that it be most earnestly recommended to the several states not to issue bills of credit for a currency on any consideration whatever to a greater amount than their respective quotas of the new bills stated in the act aforesaid; and that the bills of credit emitted by any of the states since the first day of January last, and redeemable in specie at par, be considered as part of the proportion of the money reserved by the said act of the 18th of March, to the use of the state.

*Resolved*, That, all and singular, the creditors of these United States, for supplies furnished the army, or the transportation thereof, shall be entitled to receive the just value of the sums due to them respectively, in the bills of credit emitted pursuant to the act of the 18th of March last, the value of the sums due to be ascertained according to the current value of continental bills of credit compared with specie at the time the money became due, at the place where the supplies were furnished; provided the same do not exceed the prices fixed for such supplies, by the act of the 25th of February last, or a proportionate value for services done, and articles furnished, not mentioned in the said act; but if the nominal sum, in continental currency, contracted for, when reduced to specie value as aforesaid, shall exceed the fixed prices aforesaid, the creditor shall be entitled to receive the amount of the supplies furnished or services done, at the said fixed or proportionate prices, in the new bills aforesaid, or the nominal sum contracted for in continental bills of credit, and no more, at his election:

That the accounts being duly examined and adjusted by the rule aforesaid, by commissioners that may be appointed agreeably to the resolution of the 12th of June last, to settle the accounts of officers of the staff departments in

the several states, or by the officer who made the contract, or by whom the payment is to be made, the same shall be paid, or a certificate given, for the sum justly due, certifying that the same has been duly examined and adjusted, agreeably to the directions aforesaid; and if paid in the new bills, the interest on the said bills shall be computed to the date of such certificate:

That all debts due to the United States for monies received for their use, or otherwise, within any of these states, shall be paid according to the just value of the money when it was received, or became due, to be ascertained as aforesaid.

*Resolved*, That the council of the state of Massachusetts-Bay be informed, that the French army was not considered in the general estimate of supplies called for by Congress, and that therefore, the state cannot be credited on its quota for such articles as it may furnish to our allies.

#### MONDAY, August 28, 1780.

*Resolved*, That the quarter-master general be and hereby is authorized and directed to make sale of all buildings and other property belonging to the United States under his care, which, in his opinion, are not wanted for public use, and render an account of such sales to the board of treasury, that he may be charged with the money arising thereon.

*Resolved*, That it be recommended to the executive council of the state of Connecticut to supply, on the account of that state's quota, Solomon Southwick, deputy-commissary gen. of issues, with 250 barrels of flour, on or before the last of Sept. next; for which the said Solomon Southwick is to be accountable, to enable him to replace what he hath borrowed on public account.

#### TUESDAY, August 29, 1780.

On motion of the delegates for Massachusetts-Bay:

*Resolved*, That Thomas Walley and Peter Boyer be appointed in addition to Nathaniel Appleton and Joseph Henderson, commissioners on the part of the United States, any one of them to endorse the bills that shall be emitted by the state of Massachusetts-Bay, pursuant to the resolution of Congress of the 18th day of March last.

#### WEDNESDAY, August 30, 1780.

Mr. Theodorick Bland, a delegate for the state of Virginia, attended and produced the credentials of the delegates from that state, which were read.

A report from the board of war was read; Whereupon,

*Resolved*, That major Joseph Eayres and captain Nathaniel Chapman, who have been employed at Springfield, in the department of the commissary-general of military stores; major Charles Lukens, at Carlisle, and captain-lieutenant E. Godfrey, at Philadelphia, be excused from further service.

*Resolved*, That bills of exchange on Europe be prepared by the board of treasury, to be drawn on the honorable Benjamin Franklin, to the amount of 29,105 dollars specie; and that the same bills be transmitted to John Bradford, to be by him paid to John Garcia Duarti, in full payment of the £ 18,441 13s. 4d. due to him in continental money on the 11th May, 1778.

Congress took into consideration the report of the committee on the memorial of William Murray; and thereupon,

*Resolved*, That it be recommended to the president and privy council of the state of Delaware, to permit William Murray, master of the schooner Betsey and Nancy, of Bermudas, to export, in the said vessel, to the value of the present cargo of salt by him imported into and sold in that state, in flour, Indian-corn, or other produce for the use of the distressed inhabitants of the said island; taking security from him that the same shall not be applied to any other use.

FRIDAY, *September 1, 1780.*

*Resolved*, That Jacob Hiltzheimer be allowed at the rate of 40 dollars per month, in the new currency, emitted pursuant to the act of the 18th of March, for his service in providing for the horses under his care, to commence from the 16th of February, 1780; and that he be allowed 600 dollars in the said currency for his services previous to that time.

*Resolved*, That what is now due, or that may hereafter become due for keeping the said horses, be paid to the said Jacob Hiltzheimer by the respective owners; that duplicate receipts be taken for the same, one of which to be lodged with the auditor-general: that the said J. Hiltzheimer be charged with the monies so received, and apply the same for defraying the expenses of keeping the said horses; any former resolution to the contrary notwithstanding.

*Resolved*, That the continental bills of credit, as they are brought into the loan-offices, pursuant to the act of Congress of the 18th of March last, be immediately struck through with a circular punch of one inch diameter, to be afterwards examined and burned, as Congress shall direct.

TUESDAY, *September 5, 1780.*

*Resolved*, That the board of treasury be, and hereby are, authorized to prepare loan-office certificates, agreeably to the underwritten form, to the amount of 1,000,000 of dollars, equal in value to specie; and that the board have power to stop the issuing all loan-office certificates under former resolutions of Congress, so soon as the present are prepared to issue; and that all moneys, after that period loaned, shall be loaned and received at specie value.

Dollars.

Number.

The United States of America acknowledge the receipt of the value of Spanish milled dollars from which they promise to pay to the said or bearer, in specie or other current money equivalent, on the day of with interest annually, at the rate of six per cent. per annum, agreeably to a resolution of Congress passed the 5th day of September, 1780.

Witness my hand, this day of Anno Domini

WEDNESDAY, *September 6, 1780.*

Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress, respecting the articles of confederation, and the declaration therein referred to, the act of the legislature of New-York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following:

That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free,

sovereign and independent people ; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union ; that they are confirmed in these expectations by a review of the beforementioned act of the legislature of New-York, submitted to their consideration ; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit ; Whereupon,

*Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation ; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.

A report from the board of war was read ; Whereupon,

*Resolved*, That the resignation of captain Alexander Lawson Smith, of the regiment formerly Rawling's, be accepted.

**THURSDAY, September 7, 1780.**

*Resolved*, That the depreciation of the money received by the officers of the army not belonging to the quota of any state, be settled at the rate fixed for the payment of loan-office certificates, by a resolution of the 18th of June last.

**FRIDAY, September 8, 1780.**

*Resolved*, That magazines of provisions and forage for 15,000 men for 6 months, be immediately provided and laid up for the southern army :

That two-thirds of the flour and beef required from Maryland, by the resolution of the 25th of February last, be retained in that state, for the above purpose, and stored at some safe and convenient places on or near navigable water.

*Resolved*, That North-Carolina furnish magazines of forage, flour and salted provisions to the utmost of their ability, to be stored at such convenient places as to the commanding officer in the southern department shall appear most eligible :

That it be earnestly recommended to the state of North-Carolina, to use every exertion possible to fill up her quota of continental troops :

That the executive authority of Virginia be requested to equip and hasten forward the troops raised and now raising in that state, as mentioned in governor Jefferson's letter to Congress of the 3d instant :

That the state of Maryland be earnestly requested to complete and forward to the southern army, her quota of regular troops, as formerly ascertained.

**SATURDAY, September 9, 1780.**

*Resolved*, That the ship Chase, now lying at Baltimore, be stripped of her sails, rigging and other furniture, and her hull and cargo sold at public sale under the direction of the commercial committee.

*Resolved*, That until the further order of Congress, no interest be computed on the new bills that shall be received by the officers, soldiers and seamen of the army and navy, for their pay or subsistence.

**MONDAY, September 11, 1780.**

Mr. J. Sullivan, a delegate for the state of New-Hampshire, attended and produced his credentials, which were read.

*Resolved*, That the state of Virginia be requested to furnish her quota of supplies as speedily as may be, agreeably to the requisition of Congress of the 25th of February last, with an addition of 5000 barrels of flour, to be deposited in magazines at such place or places as the commanding officer in the southern department shall direct.

*Resolved*, That the expediency of immediately sending forward to the southern army a corps of artillery and a reinforcement of cavalry and such other force as can be spared from the main army, be referred to the commander in chief.

**TUESDAY, September 12, 1780.**

A letter, of the 9th, from gen. Washington, was read, inclosing a letter of the 8th, from major-gen. R. Howe, and also a letter of the 8th, from brigadier John Nixon, requesting leave, on account of his ill state of health, to resign; Whereupon,

*Resolved*, That the resignation of brigadier John Nixon, be accepted, on account of his ill state of health.

Nine states, exclusive of the states interested, not being represented:

*Resolved*, That the order of the day, to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New-Hampshire, Massachusetts-Bay, and New-York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24th of September and the 2d of October last, on the one part; and the people of the district commonly known by the name of the New-Hampshire Grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions; be postponed till Thursday next, and that the members in town be notified to attend the house at ten o'clock in the morning of that day.

**WEDNESDAY, September 13, 1780.**

*Resolved*, That the officers and others undermentioned, be allowed by the year the sums following, that is to say,

Judges of the court of appeals in cases of capture, each, 2250 dollars; secretary of Congress, 2000 dollars; chaplains of Congress, each, 400 dollars; commissioners of the board of war and ordnance, and commissioners of the board of treasury and admiralty, each, 1850 dollars; treasurer, 2000 dollars; auditor-general, 1750 dollars; assistant auditor-general, 1200 dollars; commissioners of the chambers of accounts, each, 1500 dollars; auditors of accounts at the army, each, besides a ration of provisions and forage for a horse, while with the army, 1200 dollars; treasurer of loans, 900 dollars; post-master general, 1000 dollars; secretary and comptroller of the post-office, 500 dollars; interpreter and translator of foreign languages, 600 dollars; secretary of the board of war, 1500 dollars; secretary of the board of ordnance, who is pay-master of the board of war and ordnance, 900 dollars; secretary to the board of treasury, 1100 dollars; secretary of the board of admiralty, 1100 dollars; deputy secretary of Congress, 1000 dollars; messenger and door-keeper to Congress, each, 400 dollars.

*Resolved*, That the said salaries and wages be paid quarterly, for the time of attendance and service, in specie or other current money equivalent.

*Resolved*, That when it is necessary that persons be employed under any of the boards on public accounts, for temporary purposes, they be paid such wages as are suitable to the service; always taking care that they be retained no longer than necessity shall require.

**THURSDAY, September 14, 1780.**

The committee to whom was referred the memorial and account of Mordecai Sheftall, having reported,



That the charge in the said account against the United States, for a share of the brigantine Hinchinbrook, pressed into the public service, by order of the governor of Georgia, and lost in Savannah river, is in the predicament of a number of other cases, and must therefore depend upon some future general provision.

*Resolved*, That Congress agree to the said report.

FRIDAY, *September 15, 1780.*

Congress proceeded to the election of a commissary-general of prisoners; and the ballots being taken, Mr. Abraham Skiuner was elected, having been previously nominated by Mr. Fell.

Congress proceeded to the election of a major-general for the Maryland line; and the ballots being taken, brigadier-general Smallwood was elected, having been previously nominated by Mr. Henry.

*Ordered*, That the committee appointed to confer with the directors of the bank of Philadelphia, apply to the said directors, and request them to purchase 500 head of cattle, in lieu of part of the flour engaged by them to Congress, or to furnish the commissary-general with sufficient money to purchase the said cattle, for which the commissary-general is to be accountable; a duplicate receipt to be taken and lodged with the treasury board.

*Resolved*, That for the supply of the army, the states of New-Hampshire, Massachusetts-Bay, and Connecticut, be called upon to furnish, weekly, 1000 head of cattle, in the following proportions, to wit:

New-Hampshire,	-	-	76	Connecticut,	-	-	539
Massachusetts-Bay,	-	-	315				<u>1000</u>

*Ordered*, That copies of the above resolution be forwarded by express to the said states respectively, and that the president, in his letter, urge the necessity of an immediate and full compliance therewith, and the fatal consequences which must fall upon the army, in case of failure in either.

*Resolved*, That the states of New-Jersey, Pennsylvania, and Delaware, be requested, with all possible despatch, to furnish for an immediate supply to the army, the following number of cattle, to wit:

New-Jersey,	-	-	275	Delaware,	-	-	530
Pennsylvania,	-	-	1251				<u>2056</u>

That for defraying the expenses of forwarding the said cattle to the army, from the states of New-Hampshire, Massachusetts-Bay, and Connecticut, (for a weekly supply,) warrants be drawn monthly upon the loan-offices of the said states, in favor of the commissary-general, until the further order of Congress, in money of the new emission, viz.

On the loan-office for the state of New-Hampshire, for 1418 2-3 dollars; Massachusetts-Bay, 7186 2-3 dollars; Connecticut, 5030 2-3 dollars.

And for defraying the expenses of forwarding, for an immediate supply, the cattle from New-Jersey, Pennsylvania, and Delaware, that warrants be drawn on the loan-offices of the said states, in favor of the commissary-general, for the following sums, in money of the new emission, viz.

On the loan-officer of the state of New-Jersey, for 550 dollars; Pennsylvania, 2819 dollars; Delaware, 1236 dollars.

And that the commissary-general be authorized, in case any of the said states have not received their money of the new emission, to apply to the executive of the said states, who are requested to advance him, upon the said warrants, an equivalent in other money.

MONDAY, *September 18, 1780.*

A report from the board of treasury was read; Whereupon,

*Resolved*, That the board of treasury be and are hereby authorized and

empowered to send to the commissioners of the loan-office in Massachusetts-Bay, or to any other commissioner in any other state, such of the bills of exchange drawn on the hon. John Jay, minister plenipotentiary of the United States at the court of Madrid, and reserved in pursuance of the resolution of Congress of the 17th of April last, for the use of prisoners of war, as they shall judge expedient, ordering the said bills to be sold for specie, on terms to be prescribed by the board, the proceeds of which shall be applied in the same manner as is directed by another resolution of Congress, passed the 23d day of August last.

**TUESDAY, September 19, 1780.**

A letter, of the 16th, from the honorable the minister plenipotentiary of France, was read, informing Congress that he is about to leave Philadelphia, and to be absent for some weeks; but that Mr. Marbois will remain here in quality of his majesty's charge des affaires, and hoping that, from his known attention to matters relative to the embassy, Congress will grant him their confidence; Whereupon,

*Resolved*, That the president inform the minister of France, that, in his absence, they will readily continue their intercourse with the embassy of his most Christian majesty, through Mr. Marbois, as his majesty's charge des affaires, in whose abilities and attention to the interests of the court of France and those of the United States they have just confidence.

A report from the board of war, to whom was referred the letter, of the 10th, from gen. Washington, was read; Whereupon,

*Resolved*, That it be recommended to the state of Massachusetts-Bay, to take effectual measures for procuring, for the use of the army, a quantity of salted beef and pork, arrived in that state in sundry prizes captured from the enemy; and that the state be informed that Congress will draw upon the loan-officer in the said state for payment of the same, out of the new bills reserved for the use of the United States.

*Resolved*, That the order of the day, to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New-Hampshire, Massachusetts-Bay, and New-York, respectively, or such of them as have passed such laws as are mentioned in the resolutions of the 24th of September and 2d of October last, on the one part, and the people of the district commonly known by the name of the New-Hampshire Grants, who claim to be a separate jurisdiction, on the other, be postponed till six o'clock.

On motion of the delegates of New-York,

*Ordered*, That the secretary notify Messrs. Ira Allen, Stephen R. Bradley, Luke Knoulton, and col. Olcott, to attend this afternoon, on the hearing of the question respecting the jurisdiction of the tract of country commonly called the New-Hampshire Grants.

**SIX O'CLOCK, P. M.**

Congress met, according to adjournment, and proceeded to hear, &c. the persons notified attending, when the following papers were read:

The act of the state of New-York, passed October 21st, 1779, and the act of the state of New-Hampshire, of November, 1779, both passed pursuant to the resolutions of Congress of September 24th and October 2d:

A commission to Ira Allen and Stephen R. Bradley, esqrs. dated August 16th, 1780, signed Thomas Chittenden, under a seal in the instrument, called the seal of the state of Vermont:

An appointment of Luke Knoulton, as agent on behalf of the inhabitants of Cumberland county, at a convention of the committees of the said county, Brattleborough, August 30, 1780, and signed John Sergeant, chairman, pro tempore.

An appointment of Peter Olcott and Bazaleel Woodward, esqrs. agents from the towns in the northern parts of the New-Hampshire Grants, on both sides of Connecticut river, being part of a district known by the name of the state of Vermont, pursuant to a vote of a convention of members from the said towns, November 17, 1779, signed Joseph Marsh, chairman of the said convention, and dated New-Hampshire Grants, January 1, 1789.

The delegates of New-York, as agents for the state, delivered in sundry papers, which were read, with an intent to prove that the land known by the name of the New-Hampshire Grants, on the west side of Connecticut river, is within the limits of the state of New-York; that the state of New-Hampshire have acknowledged this, and that the people on the said tract have been represented in the legislature of New-York since the year 1764.

WEDNESDAY, September 20, 1780.

*Resolved*, That it be recommended to the governor and supreme executive council of the state of Virginia, to be prepared to march the convention troops from Albemarle barracks, by the way of Winchester, to fort Frederick, in the state of Maryland, upon an invasion of the state of Virginia, in case the conjuncture of affairs should render the measure necessary.

That the board of war be directed to take measures for the march of the new-raised regiment of Maryland, by such route as they may judge most expedient for the public service; and if from circumstances it shall become necessary, that they be empowered to halt the said regiment at such places as will best serve to cover the march of the convention troops.

That the states of Maryland and Virginia be requested to take eventual measures for providing magazines of provisions, at or in the neighbourhood of fort Frederick, for the supply of the convention troops.

That the states of Maryland and Virginia be informed, that Congress will use every exertion to supply them with tents and a number of arms, for the use of their respective militia; and that at the same time it be recommended, in the strongest manner, to the said states, to leave no steps untried which may have a tendency to furnish these important and necessary articles.

Congress proceeded to the order of the day, the parties being present as yesterday, except the delegate for the state of New-Hampshire, who was absent through sickness; when the state of New-York, by its delegates, proceeded in stating evidence to prove that the inhabitants of the tract of country known by the name of the New-Hampshire Grants, west of Connecticut river, as part of the state or colony of New-York, were duly represented in and submitted to the authority, jurisdiction and government of the Congress and convention of the said state, till late in the year 1777; and that, therefore, the people inhabiting the said tract of country have no right to a separate and independent jurisdiction.

THURSDAY, September 21, 1780.

The committee on the letters from gen. Washington, brought in a farther report; Whereupon,

*Resolved*, That it be recommended to the state of Maryland to send immediately to the main army, 500 head of neat cattle, over and above the quantity of meat required by the resolution of the 25th February last; and that the state be informed, that Congress will draw upon the loan-officer in the said state for the payment of the same, out of the new bills reserved for the use of the United States:

And in case the full quota of each state, respectively, shall not be enlisted and brought into the field by the first day of December next, that until recruits for the war shall be obtained, the deficiencies be supplied by the states respectively, by men to serve for not less than one year, after they join the army, unless sooner relieved by the recruits enlisted for the war.

FRIDAY, *September 22, 1780.*

Mr. Plater, a delegate from Maryland, attended and took his seat in Congress.

SATURDAY, *September 23, 1780.*

The delegates from South-Carolina having informed Congress that there were good grounds to believe that a number of respectable citizens of South-Carolina, prisoners of war by the capitulation of Charleston, were seized and confined on board a ship of war:

*Ordered*, That the commander in chief send a flag to gen. sir Henry Clinton, and enquire whether such arrests and confinements have been made, and for what reasons.

A memorial of Robert Morris, merchant, in behalf of himself and others, owners of, and of the officers and seamen belonging to, the schooner Livingston, was read; Whereupon,

*Resolved*, That the said Robert Morris be and hereby is empowered to prosecute, in the name of the United States, but for the benefit of himself and all others interested in the said schooner, and at their expense, the right which the United States may have acquired to the share of a prize made by the said schooner, in consort with two or three other vessels.

MONDAY, *September 25, 1780.*

*Resolved*, That each commissioner of the respective navy-boards be allowed the sum of 1500 dollars per annum.

The clerks of the several boards and offices each according to his merit and services, to be determined by the commissioners of the respective boards, not exceeding 500 dollars; and the salary of the clerks of the office of the secretary of Congress, to be fixed by the secretary, not exceeding 500 dollars; the salaries so fixed to be reported to Congress, and transmitted to the board of treasury; the above salaries to be paid in the same manner as those agreed to on the 13th instant.

#### PLAN OF THE INSPECTING AND MUSTERING DEPARTMENT.

Whereas the institution of this department hath been found of great utility to the armies of these United States; and experience hath shewn that it may be rendered still more useful by an extension of its powers and objects: therefore;

*Resolved*, That the former establishment, by a resolution of the 18th of February, 1779, and all subsequent resolutions relative thereto, be repealed; and the department hereafter have the following form, powers and privileges:

There shall be an inspector-general with the main army of the United States, to be appointed by Congress, who shall be allowed two secretaries, in addition to the aids he is allowed in the line of the army, to be taken from the line of captains and subalterns, who shall receive, in addition to their pay, 6 dollars per month.

There shall be one assistant inspector-general with the main army, who shall be adjutant-general for the time being, and shall receive, in addition to his pay, 10 dollars per month; and one to every separate army, when consisting of two or more divisions, who shall be the deputy adjutant-general, and shall receive, in addition to his pay, 8 dollars per month.

There shall be one inspector to each division of the army of the United States; one to the corps of cavalry, and one to the corps of artillery; to be taken, when the service will admit, from the line of colonels and lieutenant-colonels, who shall be allowed, in addition to their pay,  $7\frac{1}{2}$  dollars per month, and forage for three horses, including what they are entitled to in the line of the army, and one extra ration of provision, when the state of the magazines will admit.

There shall be one sub-inspector to every brigade in the army of the United States; one to the corps of cavalry, and one to the corps of artillery, if thought necessary by the commander in chief, or commanding officer of a separate army; to be taken from the line of majors in the brigade, when the service will admit, who shall be allowed, in addition to their pay, 5 dollars per month, and one extra ration, when the state of the magazines will admit.

The commander in chief, and commanding officer of a separate army, are hereby empowered to appoint inspectors and sub-inspectors to the militia, while in actual service, agreeable to the foregoing plan, who shall have the same powers, privileges and emoluments, as those serving with the continental army.

It shall be the duty of the inspector-general to frame a system of regulations for the exercise and discipline of the troops, in the manual, evolutions, and manœuvres, for the service of guards and detachments, and for all camp and garrison duty, and if approved of by the commander in chief, and ratified by Congress, such regulations shall be enforced, by the orders of the commander in chief throughout the army.

The assistant inspectors-general shall assist in the general duties of the department, agreeable to the directions they shall receive from the inspector-general (through the order of the commander in chief) and when the inspector is not present, shall have the chief direction of the same, agreeable to the orders they may receive as aforesaid; and they shall nevertheless continue to perform their duties of adjutant and deputy adjutant-general.

The inspectors shall attend to the execution of the regulations established for the army in their respective divisions, and in such garrisons as they may be ordered by the inspector-general or assistant inspector-general; at all times performing the duty of adjutant-general to the same; and when a detachment of more than one division is sent from the army, the eldest inspector of the marching troops shall act as adjutant-general to the detachment.

The sub-inspectors shall do the duty of majors of brigade to the brigades to which they belong, and attend to the execution of the regulations established for the army, in their respective brigades, and such garrisons, detachments and independent corps, as they shall be ordered by the inspector-general, or assistant inspector-general with a separate army.

The inspector-general and the assistant inspector-general shall review and muster the troops, in service, once every month, at which review he or they shall inspect the number and condition of the men, their discipline, the state of their clothes, arms, accoutrements, and camp equipage; the number of rations they have drawn since the last review; reporting such soldiers and recruits as are unfit for service, to the major-general or commander of the division, the brigadier or commander of a regiment detached from the division or brigade to which such disabled soldier may belong; to be by them, or either of them, discharged, or transferred to the corps of invalids, if, on examination of the surgeon of the regiment, they shall be found unfit for further service in the field. But no such soldier shall be deemed legally discharged or transferred, except his discharge or transference is signed by the major-general, brigadier or commandant as aforesaid, and a certificate of his inability, specifying the nature of it, signed by the surgeon, is annexed thereto; noting at the same time all alterations that have happened since the last review or muster, and, as far as possible, in what manner, reporting them with the deficiencies, neglects and abuses, to the commander in chief, or commanding officer present, and the board of war.

At every muster, three rolls shall be made out by the commanding officer of each troop or company, signed and sworn to by him, one of which rolls shall be returned to him, certified by the mustering officer; one shall be retained by the mustering officer; the other shall be certified and delivered to the regimental pay-master, to be affixed to the pay-rolls.



Each brigade shall be mustered by its sub-inspector, under the superintendency of the inspector of the division, who shall be responsible, with the sub-inspector, for the exactness and fidelity of the musters; and in like manner, all garrisons, independent corps and detachments, shall be mustered by such inspector or sub-inspectors, as the inspector-general, or assistant inspector-general with a separate army, shall order.

The sub-inspectors shall deliver an abstract of all such musters, regimentally digested, to the inspector of the division, who shall digest them into division abstracts, in the same form, and transmit them to the assistant inspectors-general, to be by them transmitted to the inspector general, and in a separate army to the commanding officer.

The inspector-general shall transmit, once every month, a copy of the abstract of the musters of the whole army, to the commander in chief, and another to the board of war.

No commanding officer of a regiment shall muster the regiment he commands, but another inspector shall be ordered to do that duty, by the inspector-general.

The assistant inspector in a separate army, shall do the same duties in that army, as the inspector-general doth in the main army, respecting the musters, according to the directions he shall receive, and orders of the commanding officer.

The commissary of issues shall be obliged to deliver to the inspector-general, and assistant inspector with a separate army, an abstract, by brigades, of the rations actually issued, and of all issues to all separate corps, garrisons and detachments.

All muster-rolls shall be sworn to before a general officer, or commandant of a separate post or detachment, who are hereby empowered to administer the oath, and certify it on each muster-roll, in the words following, to wit: "I, A. B. do swear that this muster-roll is a true state of the company under my command, without fraud to the United States, or to any individual, according to the best of my knowledge.

"A. B. capt. lieutenant, ensign, or cornet command't.

"Sworn before me, this                      day of                      17                      ."

The mustering officers are empowered and directed to require from all the officers whose troops are mustered, all papers and vouchers relative to their enlistments and musters.

The inspector shall keep accounts with the officers commanding regiments, of all arms and accoutrements delivered their regiments, and returned in by them. No arms or accoutrements shall be delivered without an order from the inspector of the division, to whom returns for arms and accoutrements wanted shall be made, in the form directed in the resolution for the order and discipline of the troops of these United States.

All officers of the inspectorship shall retain their rights of command and promotion, in the same manner as if they had not assumed the office. They are to suspend the exercise of their respective commands, except when they happen to be the superior in the division, brigade or regiment, to which they belong, or when they are appointed to execute any particular service by the commander in chief, or commanding officer of a separate army; and are exempt from all common camp and garrison duty, that they may attend to that of the inspecting, as well in time of action as at other times.

The inspector-general, as often as the commander in chief shall think fit to order, shall visit every part of the army, and review the same, to see that uniformity prevails throughout the armies of these United States.

The inspector-general shall keep books in which the returns, &c. passing through his office, shall be registered. He shall be charged with collecting, in one or more volumes, all the resolves of Congress, and regulations of the board of war, relative to the army.

The travelling and other incidental expenses for the execution of the business of the office, shall be settled by the auditors with the army, upon such principles as shall be established by the commander in chief, and paid out of the military chest.

The quarter-master general shall furnish all necessary books, paper, &c. for the department.

Each inspector shall be allowed, when the circumstances of the army will permit, a marquee and common tent: each sub-inspector a horseman's and common tent; if not provided for as officers in the line.

All the regulations respecting the objects of this department, shall be finally approved and established by Congress; but, the exigency of the service requiring it, temporary ones may, from time to time, be introduced by the inspector-general, with the approbation of the commander in chief, and transmitted to the board of war within one month after their introduction; that being examined and reported to Congress by them, they may be rejected, altered, amended or confirmed, as Congress shall deem proper.

*Resolved*, That baron Steuben be, and hereby is, continued inspector-general of the armies of these United States, and vested with power to appoint all officers necessary to carry the foregoing plan into execution, they being first approved of by the commander in chief.

*Resolved*, That the assistant-inspector be allowed 400 dollars per month, of the old emission, in addition to his pay as adjutant-general, from the 1st day of February last, to the 1st day of October next: the inspectors shall be allowed, from the 1st day of February last to the 1st day of October, 300 dollars per month, of the old emission, and the sub-inspectors shall be allowed 200 dollars per month, of the old emission, from the first day of February aforesaid to the first day of October next, in addition to the pay and subsistence to which they are entitled by their respective ranks.

The committee to whom was referred a letter of May 12th, from Mr. W. Glascock, and the memorial of Mr. G. Walton, report:

That, in the course of their enquiry respecting the business committed to them, they have conferred with his excellency Richard Howley, the present governor of Georgia, and been attended by Mr. George Seegar, clerk of the general assembly of the said state, and have obtained from each of them a state of facts to which they beg leave to refer; that it appears that the paper containing the paragraph respecting brigadier-general M'Intosh, and dated at Augusta, in the state of Georgia, the 30th day of November, 1779, and purporting in general to be a letter or address from the assembly of that state to Congress, did originate in and ought to be considered as an act declarative of the sense of the said assembly; and that the same was officially transmitted with other public papers, by colonel Walton, then governor of that state, to the president of Congress, and, together with the proceedings of the said governor and council, contained a sufficient ground for the act of Congress of the 15th day of February last, for dispensing with the services of the said brigadier-gen. M'Intosh, until the further order of Congress.

*Resolved*, That Congress agree to the said report.

*Ordered*, That a copy of the above report, and of the papers referred to, be transmitted to the governor of Georgia.

On motion of Mr. Bee, seconded by Mr. Matthews,

*Resolved*, That two-thirds of the bills ordered by the resolution of the 23d of August last to be sold for specie, for the relief of prisoners of war, be now disposed of under the directions of the board of war, for such necessary articles of clothing or provisions as may, in their opinion, best conduce to supply, in some measure, their present wants.

**TUESDAY, September 26, 1780.**

*Resolved*, That the resignation of lieutenant George Sexton and Benja-

min Butterfield, and ensign Reuben Church, of colonel Warner's regiment, be accepted.

The board of war, to whom was referred the petition of captain Rice, for leave of absence to go to sea, in order to enable him to continue in the service, or if that cannot be obtained, to have leave to resign, report,

That they are fully sensible of the merit and services of capt. Rice, and are well assured he has injured his circumstances considerably in the service; yet the granting his request for leave of absence to go to sea, would introduce such a number of similar applications, and would also create such embarrassments about the exchange, in case of a capture, that the board think it would be best to reject the practice in the first instance:

*Resolved*, That Congress agree to the said report:

*Resolved*, That the resignation of capt. Joseph Rice, of the 4th regiment of artillery, be accepted.

### WEDNESDAY, *September 27, 1780.*

Congress proceeded in the order of the day respecting the jurisdiction of the tract of country commonly called the New-Hampshire Grants, all the parties being present except Ira Allen and Stephen R. Bradley, who being duly notified, declined to attend, when the agent for the state of New-Hampshire proceeded to state evidence tending to prove, that the tract of country known by the name of the New-Hampshire Grants, was within the state of New-Hampshire, and that therefore the people inhabiting the said tract of country, have no right to a separate and independent jurisdiction. The gentlemen appearing in behalf of sundry inhabitants of the said Grants having nothing to add, and pressing Congress to come to a determination, withdrew.

*Resolved*, That the farther consideration of the subject be postponed.

The committee to whom were referred the letters from John Magwall, delivered in a report which was read; Whereupon,

*Resolved*, That copies of the said letters attested by the secretary of Congress, be sent to the honorable John Jay, minister plenipotentiary of these United States at the court of Madrid; and that he be instructed to endeavour to obtain, for the captors of the Dover cutter, the benefit intended by the resolve, passed in Congress on the 14th day of October, 1777, respecting vessels belonging to British subjects, seized and brought into any of the ports or harbours of these United States, by the master or mariners, and that he be informed it is the wish of Congress that the whole profit of the capture be divided among the captors.

### FRIDAY, *September 29, 1780.*

*Resolved*, That until a permanent arrangement of the army can be accomplished, the commanding officer of the southern army be authorized to form into proper corps, under the command of the officers of the states of South-Carolina and Georgia, who are now at liberty to act, such of the non-commissioned officers and soldiers of those states as are or can be collected; the said non-commissioned officers and soldiers to share the benefit of all supplies of pay and clothing and necessaries, equally with the troops of other states.

### SATURDAY, *September 30, 1780.*

A letter, of the 26th, from gen. Washington, was read, confirming the account given in the letter of the 25th, from major-gen. Greene, of the treasonable practices of major-gen. Benedict Arnold, and his desertion to the enemy.

Whereas, the late regulations for conducting the affairs of the general hospital are in many respects defective; and it is necessary that the same be

revised and amended, in order that the sick and wounded may be properly provided for and attended, and the business of the hospitals conducted with regularity and economy ; therefore,

*Resolved*, That there be one director of the military hospitals, who shall have the general direction and superintendence of all the hospitals to the northward of North-Carolina ; that, within the aforesaid limits, there be three chief hospital physicians, who shall also be surgeons ; one chief physician, who shall also be a surgeon, to each separate army ; fifteen hospital physicians, who shall also be surgeons ; twenty surgeons mates for the hospitals : one purveyor, with one assistant ; one apothecary ; one assistant apothecary ; and to each hospital, a steward, matron, orderly men and nurses, as heretofore :

That the director, or, in his absence, one of the chief hospital physicians, be empowered and required, with the advice and consent of the commander in chief, or commander of a separate army, to establish and regulate such a number of hospitals, at proper places, for the reception of the sick and wounded of the army, as may be found necessary :

That the director be authorized and instructed to enjoin the several chief hospital physicians, and other officers of the hospitals under his superintendence, to attend at such posts or stations as he may judge proper, and also to attend and perform such duties, at any post or place, as a change of the position of the army, or other circumstances, may from time to time make necessary, and shall be required by the commander in chief ; and that, in case of any dispute concerning their seniority or precedence, the director shall determine the same in the first instance, the party supposing himself aggrieved being at liberty to appeal for redress to the medical committee :

That in time of action, and on any other emergency, when the regimental surgeons are not sufficient in number to attend properly to the sick and wounded that cannot be removed to the hospitals, the director, or, in his absence, the nearest chief hospital physician, be empowered and required, upon request of the chief physician and surgeon of the army, to send from the hospitals under his care, to the assistance of such sick and wounded, as many surgeons as can possibly be spared from the necessary business of the hospitals :

That the director, or, in his absence, two of the chief hospital physicians, shall make out and deliver, from time to time, to the purveyor, proper estimates of hospital stores, medicines, instruments, dressings, and such other articles as may be judged necessary for the use of the hospitals ; also direct the apothecary or his assistant, to prepare and deliver medicines, instruments, dressings, and other articles in his possession to the hospitals and surgeons of the army and navy, as he or they may judge necessary :

That the director authorize and instruct the purveyor and apothecary to supply, for the use of the regimental surgeons, such medicines and refreshments as may be proper for the relief of the sick and wounded, before their removal to a general hospital, and to be dispensed under the care, and at the direction of the chief physician of the army :

That the director, or, in his absence, the chief hospital physicians, respectively, be empowered occasionally to employ second mates, when the number of the sick shall increase so as to make it necessary, and to discharge them as soon as the circumstances of the sick will admit :

That the director, or, in his absence, the chief hospital physicians, respectively, shall appoint a ward-master for each hospital, to receive the spare regimental arms, accoutrements and clothing of each soldier admitted therein, keeping entries of and giving receipts for every article received, which, when the soldier shall be discharged, shall be accounted for by the said ward-master with the commanding officer of the regiment to which such soldier belonged, or the officer directed to take charge of the convalescents from the said hospital ; or, in case of the death of the soldier, shall be ac-

counted for with, and delivered to the quarter-master of the regiment to which the said soldier belonged; and the ward-master shall receive and be accountable for the hospital clothing, and perform such other services as the chief hospital physician shall direct.

That the director shall make returns of all the sick and wounded in the hospitals, once every month, to the medical committee, together with the names and ranks of all the officers and others employed in the several hospitals:

That the director be required to employ such part of his time as may be spared from the duties before pointed out to him, in visiting and prescribing for the sick and wounded of the hospitals; and that he pay particular attention to the conduct of the several officers in the hospital department, and arrest, suspend and bring to trial, all delinquents within the same:

That the duty of the chief hospital physicians shall be, to do and perform all the duties herein before enjoined them to do in the absence of the director; to receive and obey the orders of the director, made and delivered to them in writing, to superintend the practice of physic and surgery in the hospitals put under their particular care by the director, or which, by the order of the commander in chief, or the commander of a separate army, may be by them established; to see that the hospital physicians and other officers attending the same, do their duty; and make monthly returns to the director, of the state and number of the sick and wounded in the hospitals under their care; and also make returns to the director, and to the medical committee, of all delinquent officers, in order that they may be speedily removed or punished; and to take measures that all such sick and wounded as are recovered and fit for duty be delivered weekly to the officer of the guard, to be conducted to the army: when present at any hospital, to issue orders to the proper officers for supplying them with necessaries; and generally, in the absence of the director, to superintend and control the business of such hospitals, suspend delinquent and remove unnecessary non-commissioned officers, making report to the director; and, when in their power, to attend and perform or direct all capital operations:

That the hospital physicians shall take charge of such particular hospitals as may be assigned them by the director: They shall obey the orders of the director, or in his absence, of the chief hospital physician: They shall have power to suspend officers under them, and to confine other persons in the hospitals serving under their charge, for negligence or ill-behaviour, until the matter be regularly enquired into: They shall diligently attend to the cases of the sick and wounded of the hospitals under their care, administering at all times proper relief, as far as may be in their power: They shall respectively give orders, under their hands, to the assistant purveyor or steward at the hospital, for the issuing provisions and stores, as well as for the procuring any other small articles that the exigencies of the hospital may require, and which the store is not provided with, having always a strict regard to economy, as well as the welfare of the sick then to be provided for: They shall make weekly returns to the nearest chief hospital physician, of the state of the hospitals under their respective care.

The mates shall each take charge of and attend the patients assigned them, and perform such other duties as shall be directed by the director, chief or other physicians and surgeons.

The chief physician and surgeon of the army shall be subject to the orders and control of the director: His duty shall be to superintend the regimental surgeons and their mates, to see that they do their duty: To hear all complaints against the said regimental surgeons and mates, and make report of them to the director, or, in his absence, to the commander in chief or commanding officer of a separate army, that they may be brought to trial by court-martial for misbehaviour: To draw for and receive from the purveyor



a suitable number of large strong tents, beds, bedding and hospital stores, and from the apothecary, or his assistant, proper medicines, for such sick and wounded persons as cannot be removed to the general hospital with safety, or may be rendered fit for duty in a short time. He shall also see that the sick and wounded, while under his care, are properly attended and provided for, and conveyed; when fit to be removed, to the general hospital; for which last purpose, he shall be supplied by the quarter-master general, with a proper number of convenient wagons and drivers; he shall have a steward, whom he is to appoint, to receive and properly dispense such articles of diet and refreshments as shall be procured for the sick; and also shall appoint such a number of nurses and orderly men as may be necessary for the attendance of the sick and wounded under his care. He shall cause daily returns to be made to him of all the sick and wounded which have been removed to the hospitals, all that remain in the hospital tents, all that are become fit for duty, all that are convalescent, and all who may have died, specifying the particular maladies under which the sick and wounded labour, and shall make a monthly return thereof to the director, who shall add it to his general hospital returns, to be transmitted monthly to the medical committee.

That whenever any regimental surgeon or mate shall be absent from his regiment, without leave from the chief physician and surgeon or commander of the army where his duty lies, the said chief physician and surgeon shall have power to remove such surgeon or mate and forthwith appoint another in his stead.

That the purveyor provide, or cause to be provided, all hospital stores, medicines, instruments, dressings, utensils, and such other articles as shall be prescribed by the written order of the director, or two of the chief hospital physicians, and deliver, or cause the same to be delivered, upon written orders, under the hand of the director, chief hospital physician, or one of the hospital physicians, having the charge of a particular hospital, or of the chief physician and surgeon of the army, which, with receipts thereon for delivery of the same, shall be his sufficient vouchers. He shall be allowed a clerk, and as many store-keepers as occasion may require, and the director shall approve of. He shall also pay the salaries of the officers, and all other expenses of the hospitals. He shall render his accounts every three months to the board of treasury for settlement, and make application for money to the medical committee, before whom he shall lay estimates of articles necessary, which shall previously have been approved and signed by the director or two of the chief hospital physicians; at the same time he shall render to them an account of the expenditure of the last sum of money advanced to him; and the said medical committee shall lay such estimates before Congress, with their opinion thereon:

That the assistant purveyor shall procure such supplies, and do and perform such parts of the purveyor's duty, as by him shall be particularly assigned to him.

That the apothecary and his assistants receive, prepare and deliver medicines, instruments and dressings, and such other articles of his department, to the hospitals and army, on orders in writing from the director, or either of the chief hospital physicians, or chief physician and surgeon of the army; and that he be allowed as many mates as occasion may require, and the director shall approve of:

That the director, or in his absence, the chief hospital physician, shall appoint a steward for each hospital, whose duty it shall be to purchase vegetables and other small articles, under the direction of the purveyor, and to receive hospital stores from the purveyor, and provisions from the commissary-general, and issue the same for the use of the sick and wounded, agreeably to

the order of the physician and surgeon attending such hospital ; the steward to account with the purveyor for all such issues :

That the director, or, in his absence, the chief hospital physician, appoint a proper number of matrons, nurses, and others, necessary for the regular management of the hospitals, and fix and ascertain their pay, not exceeding the sums heretofore allowed ; and point out and prescribe their particular duties and employments, in writing, which they are enjoined to observe and obey :

That the director, with two chief hospital physicians, be empowered to fix the pay of second mates, and of such clerks, store-keepers, and other persons, as may occasionally be employed ; and also make such regulations, and point out and enjoin, in writing, such further particular duties for the several officers in the hospital department, as they may judge necessary for the regular management of the same ; which duties shall always be consistent with, and in no wise contradictory to any of the duties herein before particularly enumerated, and which being reported to, and approved of by the medical committee, shall thereupon become obligatory to all those concerned :

That the quarter-master general furnish the hospital department, from time to time, as occasion may require, with such a number of horses and wagons as may be necessary for removing the sick and wounded, and for transporting the hospital stores ; but that no other horses than those belonging to the officers of the department, for which forage may be herein allowed, be kept separately and at the expense of the department :

That no person concerned in trade, on his own account, shall be suffered to act as an officer in the hospital or medical department of the army :

That no officer or other person in the hospital department, except the sick or wounded, be permitted to use any of the stores provided for the sick :

That the director, chief hospital physicians, and the chief physicians and surgeons of the army, physicians and surgeons, purveyor, apothecary, assistant purveyor, and assistant apothecary, be appointed and commissioned by Congress ; the regimental surgeons and mates to be appointed as heretofore :

That the director, with the advice and concurrence of two of the chief hospital physicians, appoint all hospital mates, which appointments shall be certified by warrants under the hand of the director ; in which appointments no person shall be admitted under the age of twenty-one years :

That all the officers in the hospital or medical department, shall be subjected to trial by courts-martial for all offences, in the same manner as officers in the line of the army.

*Resolved*, That the pay and establishment of the officers of the hospital department, and medical staff, be as follows :

Director, 150 dollars per month, 2 rations for himself, and 1 for his servant, per day, and forage for two horses :

Chief physicians and surgeons of the army and hospitals, each, 140 dollars per month, 2 rations per day, and forage for two horses :

Purveyor and apothecary, each, 130 dollars per month :

Physicians and surgeons of the hospitals, each, 120 dollars per month, 1 ration per day, and forage for one horse :

Assistant purveyors and apothecaries, each, 75 dollars per month :

Regimental surgeons, each, 65 dollars per month, 1 ration per day, and forage for one horse :

Surgeon's mates in the hospitals, 50 dollars per month, 1 ration per day :

Surgeon's mates in the army, 45 dollars per month, 1 ration per day :

Steward for each hospital, 35 dollars per month, 1 ration per day :

Ward-master for each hospital, 25 dollars per month, 1 ration per day.

*Resolved*, That none of the aforesaid officers, or other persons employed in any of the hospitals, be entitled to rations of provision or forage when on furlough.

**Resolved**, That the chief physician of the army be allowed a two horse covered wagon for transporting his baggage :

That the several officers abovementioned shall receive their pay in the new currency, emitted pursuant to a resolution of Congress of the 18th day of March last ; and that they be allowed and paid at the rate of five dollars of said currency per month for every retained ration ; and shall each be entitled annually to draw clothing from the stores of the clothier-general, in the same manner and under the same regulations as are established for officers in the line, by a resolution of Congress of the 25th of November, 1779 :

That the returns for clothing for officers in the medical staff (regimental surgeons and their mates, who are to draw with the regimental staff, excepted) be signed by the director, or one of the chief hospital physicians ; and such clothing shall be delivered either by the clothier-general or any sub-clothier in the state in which the officer to receive clothing shall reside, in the same manner as is provided in the cases of other staff officers not taken from the line :

That the several officers whose pay is established as above (except the stewards and ward-masters) shall at the end of the war be entitled to a certain provision of land, in the proportion following, viz.

The director to have the same quantity as a brigadier-general ;

Chief physician and purveyor, the same as a colonel :

Physicians and surgeons and apothecary, the same as a lieutenant-colonel ;

Regimental surgeons and assistants to the purveyor and apothecary, the same as a major ;

Hospital and regimental surgeons' mates, the same as a captain ;

That the former arrangements of the hospital department, and all resolutions heretofore passed touching the same, so far as they are inconsistent with the foregoing, be repealed, excepting that the hospitals in the southern department, from North-Carolina to Georgia, inclusive, be continued under the same regulations as heretofore, until the farther order of Congress.

#### MONDAY, October 2, 1780.

The committee to whom was referred the report of the board of treasury, of the 3d of August last, respecting the settlement of the public accounts, report,

That it appears to them that the board of treasury have been attentive to their duty, in taking such measures as seemed advisable for procuring a settlement of the public accounts ; that several of the accountants have alleged difficulties and impediments, arising from the former mode of producing their vouchers, which are removed by the resolutions of Congress of the 12th of June last ; and that sufficient time has been allowed for every necessary preparation ; Whereupon,

**Resolved**, That the board of treasury immediately proceed to put in execution the resolutions of the 12th of June last, in order that all outstanding accounts may be settled and adjusted without delay.

**Resolved**, That Congress approve the measures taken by governor Jefferson, for remounting the cavalry with the southern army, and request a continuance of his exertions for that purpose, on the same principles he has heretofore adopted.

On motion of Mr. Henry, seconded by Mr. Adams,

**Resolved**, That bills of exchange be drawn on the honourable Henry Laurens, to the amount of £ 10,000 sterling ; and on the honourable John Jay, minister plenipotentiary of the United States, at Madrid, to the amount of £ 10,000 sterling, payable at 90 days sight ; and that out of said bills the debt due to Messrs. Freney and Co. be discharged ; and the amount of £ 7000 sterling advanced by Mr. W. Bingham, in part payment of his account as agent of the United States.

**Ordered**, That Mr. Sherman have leave of absence.

**TUESDAY, October 3, 1780.**

The delegates for the state of New-York laid before Congress the credentials of their appointment; which were read.

*Resolved*, That such of the sixteen additional regiments as have not been annexed to the line of some particular state, and all the separate light corps of the army, both of horse and foot, and also the German battalion, be reduced on the 1st day of January next: that the non-commissioned officers and privates in those several corps, be incorporated with the troops of their respective states, and that such of them as do not belong to any particular state, be annexed to such corps as the commander in chief shall direct.

That the regular army of the United States, from and after the 1st day of January next, consist of 4 regiments of cavalry, or light dragoons; 4 regiments of artillery; 49 regiments of infantry, exclusive of colonel Hazen's regiment, hereafter mentioned; 1 regiment of artificers:

That each regiment of cavalry, or light dragoons, consist of 6 troops, and that each troop consist of 64 non-commissioned officers and privates, with the same number of commissioned officers as at present:

That each regiment of artillery consist of 9 companies, and that each company consist of 65 non-commissioned officers and matrosses, with the same number of commissioned officers as at present.

That each regiment of infantry consist of 9 companies, and each company consist of 64 non-commissioned officers and privates; and

That the regiment of artificers consist of 8 companies, and each company of 60 non-commissioned officers and privates:

That the several states furnish the following quotas, viz. New-Hampshire, 2 regiments of infantry; Massachusetts-Bay, 10 regiments of infantry and 1 of artillery; Rhode-Island, &c. 1 regiment of infantry; Connecticut, 5 regiments of infantry and 1 of cavalry; New-York, 3 regiments of infantry and 1 of artillery; New-Jersey, 2 regiments of infantry; Pennsylvania, 6 regiments of infantry, 1 of artillery, 1 of cavalry, and 1 of artificers; Delaware, 1 regiment of infantry; Maryland, 5 regiments of infantry; Virginia, 8 regiments of infantry, 1 of artillery, and 2 of cavalry; North-Carolina, 4 regiments of infantry; South-Carolina, 2 regiments of infantry; Georgia, 1 regiment of infantry:

That the states shall select from the line of the army a proper number of officers to command the several regiments to them respectively assigned, taking notice that no new appointment is to be made of a higher rank than that of a lieutenant-colonel commandant:

That the states be, and they are hereby, called upon in the most pressing manner, to have their regiments completed and in the field by the first day of January next at farthest:

That it be recommended to the states to fill up their respective regiments by enlistments for and during the war; but in case the full quota of any of the states cannot be completed with such recruits by the first day of December next, that it be recommended to such state or states to supply the deficiency with men engaged to serve for not less than one year, unless sooner relieved by recruits enlisted for the war, which they are requested to exert their utmost endeavors to obtain, as speedily as possible: and in order thereto, it is further recommended that the officers at camp be empowered and directed to use every prudent measure, and improve every favorable opportunity, to enlist for the continuance of the war, such of the men belonging to their respective states, as are not engaged for that period, whether now in the field or hereafter, from time to time, joining the army; and that a recruiting officer from each corps be kept in the state to which the regiments respectively belong, to enlist recruits for the war, as well to relieve those who are engaged for a shorter or limited term as to supply casual deficiencies:

That two dollars be granted to the recruiting officer for every able bodied soldier he shall enlist for the war, who shall join the army; and that a sum not exceeding 50 dollars be allowed as a bounty to every such recruit:

That the commander in chief be, and hereby is, directed to cause returns to be made as speedily as possible to the several states, of the number of men they will probably have in the field on the first day of January next, that the states may take immediate measures for completing their respective quotas as above recommended, by that time:

That the commander in chief be, and he is hereby, directed to make a return annually to Congress, on or before the first day of September, of the number of troops from each state, in order that Congress may be enabled to make their requisitions from the several states with certainty and in season:

That the clothing be furnished and regularly served out to the troops, as it becomes due, and that a full compensation be made for any arrearages of clothing:

That the regiments of cavalry, artillery, and of artificers, as they now stand, be considered as belonging to the states respectively, to which they are or may be assigned, which states shall complete them to the full complement, supply them with necessaries, and in every respect treat them as if originally raised therein, and that such other states as now have non-commissioned officers or privates in any of the regiments aforesaid, be credited in their quotas for such men, according to their numbers, from time to time; for which purpose the commander in chief is hereby directed to specify such non-commissioned officers and privates, and the states to which they formerly belonged, in the returns which he shall make to the states, and in his annual returns to Congress:

That the regiment commanded by colonel Moses Hazen be continued on its present establishment, and that all non-commissioned officers and privates, being foreigners belonging to any of the reduced regiments and corps, be incorporated therewith, and all volunteers from foreign states, who are now in the service, or may hereafter join the American army, be annexed to the said regiment:

And whereas, by the foregoing arrangement, many deserving officers must become supernumerary, and it is proper that regard be had to them:

*Resolved*, That from the time the reform of the army takes place, they be entitled to half pay for seven years, in specie, or other current money equivalent, and also grants of land at the close of the war, agreeably to the resolution of the 16th of September, 1776.

*Ordered*, That a copy of the foregoing arrangement of the army be sent to the commander in chief, for his opinion thereon, and that if there shall appear no material objection, the same be carried into immediate effect.

WEDNESDAY, October 4, 1780.

Mr. Sharpe, a delegate for North-Carolina, attended and took his seat in Congress.

*Resolved*, That the board of war be and hereby are directed to erase from the register of the names of the officers of the army of the United States the name of Benedict Arnold.

THURSDAY, October 5, 1780.

The board of treasury having reported on the petition of J. Hamilton, which was referred to them; thereupon,

*Resolved*, That the board of treasury be, and hereby are, authorized to direct Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, to deliver to John Hamilton, loan-office certificates to the amount of 48,258 dollars, in full compensation for the difference occa-



sioned by the delay in granting him certificates on the periods when he actually loaned his money.

Her imperial majesty of all the Russias, attentive to the freedom of commerce, and the rights of nations, in her declaration to the belligerent and neutral powers, having proposed regulations, founded upon principles of justice, equity, and moderation, of which their most Christian and Catholic majesties, and most of the neutral maritime powers of Europe, have declared their approbation ;

Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign, who hath proposed and the powers who have approved the said regulation: *Resolved*,

That the board of admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained in the declaration of the empress of all the Russias, on the rights of neutral vessels :

That the ministers plenipotentiary from the United States, if invited thereto, be and hereby are respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her imperial majesty.

*Ordered*, That copies of the above resolution be transmitted to the respective ministers of the United States, at foreign courts, and to the honourable the minister plenipotentiary of France.

*Resolved*, That the commander in chief be and hereby is directed to order a court of enquiry to be held on the conduct of major-gen. Gates, as commander of the southern army.

*Resolved*, That the commander in chief be and hereby is directed to appoint an officer to command the southern army, in the room of gen. Gates until such enquiry be made.

#### FRIDAY, October 6, 1780.

*Resolved*, That the executive of the state of New-York be requested to deliver to the order of Abraham Skinner, commissary-general of prisoners, 200 barrels of flour (in part of the supplies called for from that state by Congress) for the use of the prisoners in New-York.

Congress proceeded to the election of officers in the hospital department, and the ballots being taken, doctor William Shippen, jr. was elected director-general ; doctor John Cochran, chief physician and surgeon of the army ; doctor James Craik, doctor Melachi Treat, doctor Charles M'Night, chief hospital physicians.

Congress proceeded to the consideration of the subject relative to the jurisdiction of the tract of country commonly called the New-Hampshire Grants, when a letter, of the 2d, from Ira Allen and Stephen R. Bradley, was read.

#### SATURDAY, October 7, 1780.

Congress proceeded in the election of officers in the hospital department, and the ballots being taken, Thomas Bond, jun. was elected purveyor ; Isaac Ledyard, assistant purveyor ; doctor Andrew Craigie, apothecary ; William Johonot, assistant apothecary ; doctors James Tilton, Samuel Adams, David Townshend, Henry Latimer, Francis Hagan, Philip Turner, William Burnet, John Warren, Moses Scott, David Jackson, Bodo Otto, Moses Bloomfield, William Eustis, George Draper, Barnabas Binney, hospital physicians and surgeons.

On motion of the medical committee,

*Resolved*, That doctor Matthew Maus be appointed surgeon to the regiment of invalids commanded by col. L. Nicola, and that col. Nicola be

authorized to appoint a proper surgeon's mate to the said regiment, when the number of sick shall make it necessary.

On motion of the delegates of Virginia,

*Resolved*, That Charles Fleming and Forster Webb, esqrs. be and hereby are appointed commissioners, on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Virginia, pursuant to the resolution of Congress of the 18th of March last.

MONDAY, *October 9, 1780.*

A letter, of the 27th, from major-gen. Gates, was read; Whereupon,

*Ordered*, That major Armstrong have leave of absence, for the recovery of his health.

*Resolved*, That John Bradford, continental agent at Boston, be and hereby is directed to sell all the canvass in his possession, except what the navy board of the eastern department may deem sufficient for the immediate use of the navy, or suitable for soldiers' tents; and also to sell all other goods in his hands belonging to the United States, and pay the money arising from the sales, agreeable to the orders of the board of admiralty.

*Resolved*, That the agent for continental prisoners at New-York be and hereby is directed to issue supplies to the navy prisoners, in the same manner as to those of the land army, as practised by him heretofore; and that he make distinct returns to the board of admiralty of all supplies by him issued to the navy prisoners, distinguishing those in continental service from those in private ships of war, and the respective ships and states to which the latter belonged when taken.

TUESDAY, *October 10, 1780.*

*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: that each state which shall be so formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit: That the necessary and reasonable expenses which any particular state shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

FRIDAY, *October 13, 1780.*

It appearing from the letters of governors Jefferson and Rutledge, and of major-general Gates, that colonel Morgan's promotion to the rank of a brigadier-general will remove several embarrassments which impede the public service in the southern department, and that it will otherwise greatly advance the said service:

*Resolved*, therefore, That colonel Daniel Morgan be and hereby is appointed to the rank of a brigadier-general in the army of the United States.

*Resolved*, That John Wells and Edward Chin, commissioners of accounts in the northern department, be and are hereby appointed an extra chamber of accounts, subject to the rules and regulations laid down in the resolution of Congress of the 12th of June last.

**SATURDAY, October 14, 1780.**

**Resolved,** That a monument be erected to the memory of the late major-general the baron de Kalb, in the city of Annapolis, in the state of Maryland, with the following inscription :

Sacred to the memory of  
The BARON DE KALB,  
Knight of the royal order of military merit,  
Brigadier of the armies of France,  
And Major-general in the service of the United States of America :  
Having served with honor and reputation for three years,  
He gave a last and glorious proof of his attachment to the liberties of  
mankind and the cause of America,  
In the action near Camden, in the state of South-Carolina,  
On the 16th of August, 1780 :  
Where, leading on the troops of the Maryland and Delaware lines  
against superior numbers,  
And animating them by his example to deeds of valour,  
He was pierced with many wounds, and  
On the 19th following expired, in the 48th year of his age.  
The Congress of the United States of America,  
In gratitude to his zeal, services and merit,  
Have erected this monument.

**Resolved,** That the thanks of Congress be given to brigadiers Smallwood and Gist, and to the officers and soldiers in the Maryland and Delaware lines ; the different corps of artillery ; colonel Porterfield's and major Armstrong's corps of light infantry, and colonel Armand's cavalry ; for their bravery and good conduct, displayed in the action of the 16th of August last, near Camden, in the state of South-Carolina.

**Resolved,** That the thanks of Congress be given to such of the militia officers and soldiers who distinguished themselves by their valour on that occasion.

**Ordered,** That an extract of general Washington's letter, mentioning the death of brigadier-general Poor, be referred to the committee of intelligence, and published as a testimony of the high sense Congress entertain of the merit and services of the said brigadier-general.

**Resolved,** That each of the surveyors of the post-office be allowed 533 1-3 dollars per annum, and 3½ dollars per day, while travelling the roads in the discharge of their duty :

The secretary to the president of Congress, 450 dollars per annum :

The steward to the president of Congress, 550 dollars per annum.

**Resolved,** That the salary of the secretary and comptroller of the post-office be 800 dollars per annum :

That the above salaries be paid in the same manner as those agreed to the 13th of September last.

That in consideration of the nature of the service in which the auditors of accounts at the army are engaged, they be allowed, each, two additional rations per day, while with the army.

**Resolved,** That Samuel W. Stockton, esq. late secretary to the honorable William Lee, late commissioner for the United States at the courts of Vienna and Berlin, be considered on salary, at the rate of £ 300 sterling per annum, from the time he left London, to go to Mr. Lee, at Vienna, which was in the month of May, 1778, until he came to this city with letters to Congress, from Mr. Lee, in the month of December, 1779 : That Mr. Stockton be not allowed for any expenses, and that the several sums of money he has received, agreeably to his liquidated account, be deducted from the salary aforesaid, and the balance paid to Mr. Stockton, in specie, or current money equivalent ; rating specie dollars at 4s 6d sterling.

The committee, to whom was referred the letter from the senate and house of assembly of the state of New-York, of September 21st, delivered in a report, which was read ; Whereupon,

**Congress passed the following resolution :**

**Whereas** the state of New-York was required, by an act of Congress of the 25th of February last, to furnish 11,200 weight of beef; and **whereas** it will be of public advantage to procure flour as near as possible to the military posts and quarters of the army :

**Resolved**, That Congress do agree, that the state of New-York, according to their proposals set forth in the letter above mentioned, may substitute flour in lieu of any quantity of beef which may be deficient on the 1st day of November next, of the quota allotted to the said state, at the rate of 4½ dollars for every hundred weight of flour and 5½ dollars for every hundred weight of beef; provided, nevertheless, that the said state shall continue to provide and deliver the quantity of beef requested to be furnished by the committee of Congress, lately with the army, in their letter of the 2d of June last, and 1125 head of cattle, in addition thereto.

The committee to whom was referred the application of the state of New-York, and the motion of Mr. Livingston for the relief of the treasury of that state, report as their opinion,

That if the application should be granted, the like benefit may be claimed for other states; that there is reason to believe that a compliance with such demands would involve the United States in the greatest difficulties, and that it cannot therefore be complied with:

**Resolved**, That Congress agree to the said report.

**MONDAY, October 16, 1780.**

It appearing to Congress that lieutenant-colonel Ternant had impressed from him two good riding horses during the siege of Charleston, by order of the state of South-Carolina,

**Ordered**, That the quarter-master general furnish lieutenant-colonel Ternant with two good horses, reporting their value to the treasury board, who are hereby directed to make the said state accountable.

**TUESDAY, October 17, 1780.**

**Ordered**, That doctor Isaac Forster and doctor Jonathan Potts deliver all public stores in their possession to doctor Thomas Bond, purveyor of the hospitals, or his order, taking duplicate receipts for the same, and transmitting one of each to the board of treasury.

**WEDNESDAY, October 18, 1780.**

Congress took into consideration the resolution reported for setting a part a day of thanksgiving and prayer, and agreed to the following draught :

**Whereas** it hath pleased Almighty God, the Father of all mercies, amidst the vicissitudes and calamities of war, to bestow blessings on the people of these states, which call for their devout and thankful acknowledgments, more especially in the late remarkable interposition of his watchful providence, in rescuing the person of our commander in chief and the army from imminent dangers, at the moment when treason was ripened for execution; in prospering the labors of the husbandmen, and causing the earth to yield its increase in plentiful harvests; and, above all, in continuing to us the enjoyment of the gospel of peace.

It is therefore recommended to the several states to set a part Thursday, the 7th day of December next, to be observed as a day of public thanksgiving and prayer; that all the people may assemble on that day to celebrate the praises of our Divine Benefactor; to confess our unworthiness of the least of his favors, and to offer our fervent supplications to the God of all grace; that it may please him to pardon our heinous transgressions and incline our hearts for the future to keep all his laws; to comfort and relieve

our brethren who are any wise afflicted or distressed : to smile upon our husbandry and trade ; to direct our public councils, and lead our forces, by land and sea, to victory ; to take our illustrious ally under his special protection, and favor our joint councils and exertions for the establishment of speedy and permanent peace ; to cherish all schools and seminaries of education, and to cause the knowledge of Christianity to spread over all the earth.

Done in Congress, this 18th day of October, 1780, and in the fifth year of the independence of the United States of America.

THURSDAY, *October 19, 1780.*

Three letters from gen. Washington, all dated the 15th, were read, one of them enclosing copies of proposals for appointing a commissary of prisoners to reside with the American and British armies respectively; Whereupon,

*Resolved*, That the commander in chief be authorized to carry into effect the proposals offered on his part, or to make any other agreement for the appointment of such commissaries of prisoners as he shall judge proper.

SATURDAY, *October 21, 1780.*

Congress resumed the consideration of the report of the committee on general Washington's letter of the 11th ; and thereupon,

*Resolved*, That the several regiments of infantry, requested from the respective states, by a resolution of the 3d inst. be augmented, and consist of one colonel, one lieutenant-colonel, one major, where the full colonels are continued : or one lieutenant-colonel commandant and two majors, where full colonels are not continued ; 9 captains, 22 subalterns, 1 surgeon, 1 surgeon's mate, 1 serjeant-major, 1 quarter-master serjeant, 45 serjeants, 1 drum-major, 1 fife-major, 10 drums, 10 fifes, 612 rank and file :

That there be one captain and two subalterns to each company, and that the four supernumerary subalterns shall each have the rank of lieutenant, one of which is to reside in the state to which he belongs, to enlist and forward on recruits ; one drum and fife from each regiment to attend the recruiting officer ; the other three supernumerary officers to do the duty of pay-master, quarter-master and adjutant, in their respective regiments.

That the regiments of artillery be augmented to 10 companies each.

That, instead of 4 regiments of cavalry, there be 4 legionary corps, consisting of 4 troops of mounted dragoons and 2 of dismounted dragoons, each consisting of 60 privates, with the same number of commissioned and non-commissioned officers to each troop as at present.

That there be two partizan corps, consisting of 3 troops of mounted and 3 of dismounted dragoons, of 50 each, one of which corps to be commanded by col. Armand, and the other by major Lee, and officered by appointment of the commander in chief, with the approbation of Congress : and that the commander in chief be authorized to direct a mode for completing, recruiting and supplying the said corps.

That the whole of the troops be enlisted during the war, and join their respective corps by the 1st day of January next.

That the commander in chief and commanding officer in the southern department, direct the officers of each state to meet and agree upon the officers for the regiments to be raised by their respective states, from those who incline to continue in service ; and where it cannot be done by agreement, to be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress, together with the names of the officers reduced, who are to be allowed half pay for life.

That the officers who shall continue in the service to the end of the war,



shall also be entitled to half pay during life, to commence from the time of their reduction.

*Ordered*, That John Bradford, continental agent at Boston, deliver to the quarter-master general, or his order, all the duck in his hands suitable for tents, the property of the United States, to be made up into tents for the army, reserving only so much thereof, as in the opinion of the board of admiralty, is necessary for the immediate supply of the navy.

That the board of admiralty forthwith give the necessary information to the said agent, that whatsoever is not appropriated to the use of the navy, be delivered over to the quarter-master general without delay.

A letter, of the 4th, from W. Rickman, was read ; Whereupon,

*Ordered*, That Dr. Rickman be informed, that pursuant to his former request, he is left out in the new arrangement of the hospital department.

#### MONDAY, October 23, 1780.

Congress proceeded to the election of a major-general, and the ballots being taken, brigadier Samuel Holden Parsons was elected, having been previously nominated by Mr. B. Huntington.

#### TUESDAY, October 24, 1780.

*Resolved*, That E. Blaine, commissary-general of purchases, be directed to make accurate returns to Congress of the supplies furnished by each state since the last day of December last.

That the state agents transmit to the commander in chief and to the commissary-general, respectively, monthly returns of all the provisions which shall be drawn into their hands, specifying the articles and magazines or places where they shall be deposited. And as this regulation is of the utmost importance to the safety of the army and the success of military operations, it be earnestly recommended to the several legislatures to enjoin it as a duty on their state agents, under penalties which will enforce a prompt and punctual obedience ; and that the commissary-general transmit copies of all such returns to the board of war without delay ; and that he also lay before Congress a general monthly return of all provisions which shall hereafter be furnished by the states.

*Resolved*, That the states of Pennsylvania, Delaware, and Maryland, be desired to forward to camp without delay, the cattle called for by the resolution of the 15th day of September last.

That a copy of the letter from E. Blaine, and its enclosures, be transmitted without delay to the several states, who are hereby requested to take into their serious consideration the present want and distresses of the army, that they furnish and forward, by means the most efficacious, the supplies requested from them respectively ; and that this subject, from the advanced season of the year, the critical state of our affairs, and the calamities consequent on the dissolution of the army, ought, in the opinion of Congress, to engage the unremitted attention of the states.

#### WEDNESDAY, October 25, 1780.

*Resolved*, That the board of war be, and hereby is, directed to order such quantities of cloth and trimmings, purchased from Messrs. Tracy and company, and now in store, as the commander in chief shall direct, to be forwarded, in order to be made up in the army ; and that they take the necessary measures for having the rest of the clothing made up and delivered to the clothier-general for the use of the troops, as they may be required.

That in addition to the measures taken by Congress, it be, and hereby is, recommended to the respective states to exert their utmost endeavors to furnish their quotas of troops in the continental line with clothing, on the terms mentioned in the former resolutions of Congress on this subject.

**THURSDAY, October 26, 1780.**

Whereas the commissary-general of purchases has represented to Congress, that 5000 bushels of salt, which is lodged in the public magazines in the state of Massachusetts-Bay, is immediately wanted for the public service; that a dispute has arisen whether it is the property of the United States or of Abraham Livingston, continental agent in South-Carolina, and that it has been agreed that it should remain in store until the determination of Congress should be known: and whereas it is impracticable to ascertain the grounds of Mr. Livingston's claim, he being now a prisoner of war in Charleston:

*Resolved*, therefore, That the said salt be delivered to the commissary-general of purchases, or his order, for the public use; and if it shall hereafter appear that the salt, or any part of it, is the rightful property of Mr. Livingston, that he shall receive a just compensation for the same.

**FRIDAY, October 27, 1780.**

*Resolved*, That the board of war be informed, that Congress approve of their purchasing clothing for 1000 men, and laying out the remainder of the money arising from the sale of the bills of exchange in the purchase of flour or other necessities, to be immediately forwarded for the prisoners of war, agreeably to the resolution of the 23d of August last; that the clothing be disposed of to the continental troops only, and the provisions to them and the militia who were actually taken in arms and remain prisoners of war in South-Carolina and Georgia.

**SATURDAY, October 28, 1780.**

*Resolved*, That the director of the hospitals, the chief physicians and surgeons of the hospitals and the army, and the other physicians and surgeons of the hospital, and also the purveyor, apothecary and their respective assistants, and the stewards, do severally take the oaths or affirmations directed by a resolution of Congress of February 3d, 1778; and deposite duplicate certificates of taking the same with the medical committee as soon as possible; that the said officers, respectively, be subject to the pains and penalties mentioned in the resolutions of the above date, for neglecting to take the said oaths or affirmations; and that the director of the hospitals take measures for carrying this resolution into immediate effect.

*Resolved*, That the hon. John Adams be, and hereby is, authorized and instructed to accept the bills of exchange drawn on the hon. Henry Laurens, in pursuance of the resolution of Congress of the 6th instant, in the same manner as he is authorized and instructed to accept those heretofore drawn on Mr. Laurens, according to the resolutions of November 23d, 1779; and in case of the absence of Mr. Adams, the authority hereby granted be, and is hereby, extended to the hon. Francis Dana.

**MONDAY, October 30, 1780.**

*Resolved*, That Congress approve the appointment, by the commander in chief, of major-general Greene to the command of the southern army, agreeably to their resolution of the 5th instant, and adopt his opinion, that the talents and service of major-general the baron Steuben, inspector-general, will be very useful in the southern department; to which he is, therefore, hereby directed to repair:

That the army for the said department do consist of all the regular regiments and corps raised and to be raised, from the states of Delaware to Georgia, inclusive, until the further orders of Congress, or the commander in chief:

That all the powers heretofore given by Congress to major-gen. Gates, since his appointment to that command, be, and hereby are, continued acti

invested in major-gen. Greene ; who is also to consider as instructions, all such resolutions as have been entered into by Congress since the time aforesaid, directing in any general or particular business respecting the said department. That he have power also to organize and employ the army under his command, in the manner he shall judge most proper, subject to the control of the commander in chief :

That it be earnestly recommended to the legislatures and executives of the said states, respectively, to afford every necessary assistance and support, in men, clothing, money, arms, intrenching tools, provisions, and other aids and supplies to major-general Greene, who is hereby authorized to call for the same :

That the heads of the several staff departments for supplying the main army be, and hereby are, directed to furnish, to the orders of major-general Greene, such articles as, upon enquiry, he shall find cannot be obtained in the southern department.

And whereas it has been represented to Congress, that the commanding officer of the southern department entertains doubts respecting his powers, with regard to the exchange of prisoners :

*Resolved*, That he be authorized to negotiate, from time to time, a cartel or exchange of prisoners, with the commanding officer of the British army in that department ; provided such exchange be not contrary to any general directions of Congress or the commander in chief.

TUESDAY, *October 31*, 1780.

*Resolved*, That the pressing emergency of our southern affairs requiring as speedy a reinforcement of cavalry as possible, major Lee's corps be ordered to proceed immediately on their route to join the southern army.

FRIDAY, *November 3*, 1780.

*Resolved*, That col. Jeduthan Baldwin continue to receive the pay of colonel of engineers, as heretofore.

*Resolved*, That the consul, to be appointed to reside in France, be allowed a salary of 1500 dollars per annum, in lieu of all commissions for business done on account of the United States.

Whereas Congress have received information that John Paulding, David Williams, and Isaac Van Wart, three young volunteer militia-men of the state of New-York, did, on the 23d day of September last, intercept major John Andre, adjutant-general of the British army, on his return from the American lines, in the character of a spy ; and notwithstanding the large bribes offered them for his release, nobly disdaining to sacrifice their country for the sake of gold, secured and conveyed him to the commanding officer of the district, whereby the dangerous and traitorous conspiracy of Benedict Arnold was brought to light, the insidious designs of the enemy baffled, and the United States rescued from impending danger :

*Resolved*, That Congress have a high sense of the virtuous and patriotic conduct of the said John Paulding, David Williams, and Isaac Van Wart.

In testimony whereof, *Ordered*, That each of them receive annually, out of the public treasury, 200 dollars in specie, or an equivalent in the current money of these states, during life ; and that the board of war procure for each of them a silver medal, on one side of which shall be a shield with this inscription, "Fidelity," and on the other the following motto, "Vincit amor patriæ," and forward them to the commander in chief, who is requested to present the same, with a copy of this resolution, and the thanks of Congress for their fidelity, and the eminent service they have rendered their country.

**SATURDAY, November 4, 1780.**

*Resolved*, That it be and hereby is recommended to the several states to levy, in the proportions hereafter mentioned, a tax, equal in value to 6,000,000 of silver dollars, to be paid partly in the specific articles and at the prices hereafter enumerated, and the residue in gold or silver, or bills of credit emitted pursuant to the resolution of the 18th of March last:

**NEW-HAMPSHIRE.**

2500 barrels of beef; at 17 1-2 dollars per barrel.  
6000 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
2000 hundred weight of beef; at 8 dollars per hundred weight.  
20124 gallons of West-India rum, full proof; at 1 2-3 dollar per gallon;  
and the balance of 47,623 dollars in money.

**MASSACHUSETTS-BAY.**

16000 barrels of beef; at 17 1-2 dollars per barrel.  
2000 barrels of pork; at 22 dollars per barrel.  
29250 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
9750 hundred weight of beef; at 8 dollars per hundred weight.  
74576 gallons of West-India rum, full proof; at 1 2-3 dollars per gallon.  
13000 bushels of salt; at 3 dollars per bushel;  
and the balance of 273,831 2-3 dollars in money.

**RHODE-ISLAND AND PROVIDENCE PLANTATIONS.**

900 barrels of beef; at 17 1-2 dollars per barrel.  
83 barrels of pork; at 22 dollars per barrel.  
1500 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
500 hundred weight of beef; at 8 dollars per hundred weight.  
20000 gallons of West-India rum, full proof; at 1 2-3 dollar per gallon;  
and the balance of 23,797 2-3 dollars in money.

**CONNECTICUT.**

15000 barrels of beef; at 17 1-2 dollars per barrel.  
3000 barrels of pork; at 22 dollars per barrel.  
18750 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
6250 hundred weight of beef; at 8 dollars per hundred weight.  
25000 gallons of West-India rum, full proof; at 1 2-3 dollar per gallon.  
813 bushels of salt; at 3 dollars per bushel;  
and the balance of 202,399 1-3 dollars in money.

**NEW-YORK.**

2800 barrels of beef; at 17 1-2 dollars per barrel.  
1500 barrels of pork; at 22 dollars per barrel.  
16000 barrels of flour; at 9 dollars per barrel.  
1320 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
441 hundred weight of beef; at 8 dollars per hundred weight;  
and the balance of 89,295 1-2 dollars in money.

**NEW-JERSEY.**

3000 barrels of beef; at 17 1-2 dollars per barrel.  
4000 barrels of pork; at 22 dollars per barrel.  
12000 barrels of flour; at 9 dollars per barrel.  
4000 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
1353 hundred weight of beef; at 8 dollars per hundred weight.  
996 bushels of salt; at 3 dollars per bushel;  
and the balance of 107,152 dollars in money.

**PENNSYLVANIA.**

3000 barrels of beef; at 17 1-2 dollars per barrel.  
2000 barrels of pork; at 22 dollars per barrel.  
1500 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
500 hundred weight of beef; at 8 dollars per hundred weight.  
55000 barrels of flour; at 9 dollars per barrel.  
50000 gallons of West-India rum, full proof; at 1 2-3 dollars per gallon.  
13028 bushels of salt; at 3 dollars per bushel;  
and the balance of 273,832 2-3 dollars in money.

**DELAWARE.**

800 barrels of pork; at 22 dollars per barrel.  
3471 barrels of flour; at 9 dollars per barrel.  
2000 gallons of West-India rum, full proof; at 1 2-3 dollar per gallon.

500 bushels of salt; at 3 dollars per bushel;  
and the balance of 20240 2-3 dollars in money.

## MARYLAND.

4800 barrels of beef; at 17 1-2 dollars per barrel.  
5500 barrels of pork; at 22 dollars per barrel.  
20000 barrels of flour; at 9 dollars per barrel.  
9000 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
3000 hundred weight of beef; at 8 dollars per hundred weight.  
17007 gallons of West-India rum, full proof; at 1 2-3 dollar per gallon.  
4000 bushels of salt; at 3 dollars per bushel;  
and the balance of 188,111 dollars in money.

## VIRGINIA.

9000 barrels of beef; at 17 1-2 dollars per barrel.  
10617 barrels of pork; at 22 dollars per barrel.  
7529 barrels of flour; at 9 dollars per barrel.  
23670 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
7890 hundred weight of beef; at 8 dollars per hundred weight.  
70292 gallons of West-India rum, full proof; at 1 2-3 dollars per gallon.  
6673 bushels of salt; at 3 dollars per bushel;  
and the balance of 297,645 dollars in money.

## NORTH-CAROLINA.

3000 barrels of beef; at 17 1-2 dollars per barrel.  
5000 barrels of pork; at 22 dollars per barrel.  
6000 barrels of flour; at 9 dollars per barrel.  
7500 hundred weight of beef; at 5 1-2 dollars per hundred weight.  
2500 hundred weight of beef; at 8 dollars per hundred weight.  
991 bushels of salt; at 3 dollars per bushel.  
21000 gallons of West-India rum, full proof; at 1 2-3 dollars per gallon;  
and the balance of 119,060 dollars in money.

*Resolved*, That the articles aforesaid be delivered by the respective states on or before the several dates hereafter mentioned, at such place or places, within the respective states, as the commander in chief shall direct, viz.

## NEW-HAMPSHIRE.

2500 barrels of beef, 3000 gallons of rum, on or before the 1st day of January, 1781.  
1500 gallons of rum, on or before the 1st day of March, 1781.  
3000 gallons of rum, on or before the 1st day of May, 1781.  
12624 gallons of rum, on or before the 15th day of July, 1781.

## MASSACHUSETTS-BAY.

16000 barrels of beef, 2000 barrels of pork, 18000 gallons of rum, 2000 bushels of salt, on or before the 1st day of January, 1781  
9000 gallons of rum, 1000 bushels of salt, on or before the 1st day of March, 1781.  
18000 gallons of rum, 2000 bushels of salt, on or before the 1st day of May, 1781.  
29576 gallons of rum, 8000 bushels of salt, on or before the 15th day of July, 1781.

## RHODE-ISLAND.

900 barrels of beef, 83 barrels of pork, 3000 gallons of rum, on or before the 1st day of January, 1781.  
1500 gallons of rum, on or before the 1st day of March, 1781.  
3000 gallons of rum, on or before the 1st day of May, 1781.  
12508 gallons of rum, on or before the 15th day of July, 1781.

## CONNECTICUT.

15000 barrels of beef, 3500 barrels of pork, 4000 gallons of rum, on or before the 1st day of January, 1781.  
2000 gallons of rum, on or before the 1st day of March, 1781.  
4000 gallons of rum, on or before the 1st day of May, 1781.  
15000 gallons of rum, 813 bushels of salt, on or before the 15th of July, 1781.

## NEW-YORK.

2800 barrels of beef, 1500 barrels of pork, 4000 barrels of flour, on or before the 1st day of January, 1781.  
2000 barrels of flour, on or before the 1st day of March 1781.  
4000 barrels of flour, on or before the 1st day of May, 1781.  
6000 barrels of flour, on or before the 15th of July, 1781.

## NEW-JERSEY.

3000 barrels of beef, 4000 barrels of pork, 2000 barrels of flour, on or before the 1st day of January, 1781.



1000 barrels of flour, on or before the 1st of March, 1781.

2000 barrels of flour, on or before the 1st of May, 1781.

7000 barrels of flour, 996 bushels of salt, on or before the 15th of July, 1781.

#### PENNSYLVANIA.

3000 barrels of beef, 2000 barrels of pork, 6000 barrels of flour, 9000 gallons of rum, 2000 bushels of salt, on or before the 1st day of January, 1781.

3000 barrels of flour, 4500 gallons of rum, 1000 bushels of salt, on or before the 11th of March, 1781.

6000 barrels of flour, 9000 gallons of rum, 2000 bushels of salt, on or before the 1st day of May, 1781.

40000 barrels of flour, 27500 gallons of rum, 8028 bushels of salt, on or before the 15th of July, 1781.

#### DELAWARE.

800 barrels of pork, 500 barrels of flour, on or before the 1st day of January, 1781.

250 barrels of flour, on or before the 1st day of March, 1781.

500 barrels of flour, on or before the 1st of May, 1781.

2221 barrels of flour, 2000 gallons of rum, 500 bushels of salt, on or before the 15th of July, 1781.

#### MARYLAND.

4800 barrels of beef, 5500 barrels of pork, 2500 barrels of flour, 800 gallons of rum, 1000 bushels of salt, on or before the 1st of January, 1781.

1250 barrels of flour, 400 gallons of rum, 500 bushels of salt, on or before the 1st day of March, 1781.

2500 barrels of flour, 800 gallons of rum, 1000 bushels of salt, on or before the 1st day of May, 1781.

13750 barrels of flour, 15007 gallons of rum, 1500 bushels of salt, on or before the 15th day of July, 1781.

#### VIRGINIA.

9000 barrels of beef, 10617 barrels of pork, 2500 barrels of flour, 11000 gallons of rum, 1000 bushels of salt, on or before the 1st day of January, 1781.

1250 barrels of flour, 5500 gallons of rum, 500 bushels of salt, on or before the 1st day of March, 1781.

2500 barrels of flour, 11000 gallons of rum, 1000 bushels of salt, on or before the 1st day of May, 1781.

1279 barrels of flour, 42792 gallons of rum, 4173 bushels of salt, on or before the 15th of July, 1781.

#### NORTH-CAROLINA.

3000 barrels of beef, 5000 barrels of pork, 2000 barrels of flour, 4000 gallons of rum, on or before the 1st day of January, 1781.

1000 barrels of flour, 2000 gallons of rum, on or before the 1st day of March, 1781.

2000 barrels of flour, 4000 gallons of rum, on or before the 1st day of May, 1781.

1000 barrels of flour, 11000 gallons of rum, 991 bushels of salt, on or before the 15th of July, 1781.

*Resolved*, That each barrel of beef contain 240 pounds net; each barrel of pork contain 220 pounds net; each barrel of flour contain 224 pounds net: That the beef on foot be delivered at such times and places as the commissary-general shall order.

*Resolved*, That a return be made on the days aforesaid, respectively, to the board of war, and duplicates to the commissary-general.

*Resolved*, That the sums of money above-mentioned be paid into the treasury of the United States, in four equal quarterly payments, and that the first payment be made on the 1st day of May, 1781.

*Resolved*, That pork be received from any state in lieu of beef, or beef in lieu of pork, in quantities proportioned to the prices annexed to each, by a resolution of Congress of the 25th of February last:

That continental rum, or other spirits suitable for the army, be received in lieu of West-India rum, in proportion to the prices assigned to each by the said resolution,

That Indian meal, well sifted or bolted, be received in lieu of flour, in the proportion of one pound and an half of the former for one pound of the latter, to be issued to the army in the same proportion; provided that no Indian meal be thus commutable after the first day of March, without the approbation of the officer commanding in the department.

**Resolved,** That if it shall appear, on an adjustment of the quotas of the several states, that any state has supplied more than its due proportion in value, every such state shall be paid the value of the surplus at the rates aforesaid, in specie, with interest at six per cent. per annum, from the time such surplus shall have been deposited as above directed; and every state which shall have failed to supply its due proportion, shall be charged with the deficiency at the rates aforesaid, and the like interest thereon, from the time that the same ought to have been deposited.

Congress proceeded to the election of a consul to reside in France, and the ballots being taken, William Palfrey was elected, having been previously nominated by Mr. Walker.

**MONDAY, November 6, 1780.**

The delegates for Connecticut laid before Congress the credentials of their appointment, which were read.

**Resolved,** That the partizan corps commanded by major Lee in future have two field officers, a lieutenant-colonel and a major.

**Resolved,** That major Lee be, and hereby is, promoted to the rank of lieutenant-colonel of cavalry in the army of the United States, retaining the command of his present corps:

That the further arrangement of his said corps be referred to the commander in chief, to take order.

The committee to whom was referred the report of the board of treasury, on the memorial of R. Pomeroy, delivered in a report; Whereupon,

**Resolved,** That, in the liquidation of the accounts of R. Pomeroy, sole commissioner for settling and paying the arrears of clothing for the army in 1777, the board of treasury be authorized to allow him a salary after the rate of 1200 dollars per annum, to be computed from March 6th, 1779, being the time of his appointment to office, to the 14th of this inst. November; and that the balance be paid to him in bills of the emission pursuant to the resolution of Congress of the 18th of March last, and a warrant reported accordingly, in his favor on John Lawrence, esq. commissioner of the continental loan-office in the state of Connecticut.

**Ordered,** That the board of treasury charge the hon. Arthur Lee, esq. in their books, with the moneys supplied him by Mr. John Bradford; that so much of their report as relates to col. George Morgan's accounts be re-committed, and that the board be informed, that the interest heretofore paid on loan-office certificates, under the resolutions of Congress previous to the 28th of June last, was paid and received as full compensation for interest due, agreeably to the said resolutions, that all money loaned under the said resolutions was paid in on a dependence that the said resolutions would be complied with; and therefore that no retrospect in additional interest, where the interest has been duly paid agreeably to the resolutions aforesaid, ought to take place, but that from and after the 28th June last, all interest on loan-office certificates be paid agreeably to the resolution of June 28th, on which the table for ascertaining the value of money loaned is founded.

**THURSDAY, November 9, 1780.**

A memorial of the reverend James Sproat and Elihu Spencer was read; Whereupon,

**Resolved,** That the hospital chaplains having been discontinued, the commander in chief be, and hereby is, directed to appoint brigade chaplains from the army, from time to time, to attend the established hospitals.

A report from the board of war was read; Whereupon,

**Ordered,** That the board of war take order for the payment of the three horses reported to be purchased for the use of lieutenant-col. Lee.

*Resolved*, That the officers of cavalry be enjoined to make no purchases of horses on public account without the order of Congress.

FRIDAY, November 10, 1780.

*Resolved*, That Congress approve of the orders given by the commander in chief to brigadier-general Clinton, to supply the Canadian families residing in the state of New-York with a ration for each individual; and that the governor of the said state be requested to cause an enquiry to be made into their circumstances, to take them under his protection, and to give them such further assistance, at the expense of the United States, as he shall judge necessary.

*Resolved*, That the accounts of capt. Traversie, for services done for the United States, by order of major-gen. Gates, be paid, and that the board of treasury liquidate his accounts; and that a warrant issue on the treasurer for the balance which shall be found due to him.

The board of admiralty, to whom was referred a letter of the 1st, from the minister of France, setting forth the several inconveniencies resulting from the abuse the British make of papers or clearances they take in American prizes, delivered in a report; Whereupon,

*Resolved*, That it be and hereby is recommended to the governors or presidents of the several states, who grant commissions for private vessels of war, that on the back of the commission there be inserted, a minute description of the persons of the captain and his lieutenant, with their age, stature, complexion, &c. respectively certified by the governor or president under his seal of office.

That where commissions, commonly called letters of marque and reprisal, are granted to armed vessels going on mercantile voyages, the master and his chief mate be required to undersign their clearances, in the presence of the naval officer of the port, who is also to insert on the back of the clearance, a minute description of the persons of the master and chief mate, with their age, stature, complexions, &c. respectively, and to certify the same under his signature and seal of office.

*Resolved*, That the salary of John Lawrence, as judge advocate, be settled at the rate of 60 dollars per month, from the time of his appointment to the 27th of March, 1778, and from that day to the 1st of August last, at the rate of 75 dollars per month: That the depreciation on his pay shall be adjusted on the same principles as are directed with respect to that part of the line of the army which is to be provided for by Congress: that from the 1st day of August last, his pay and appointments be 140 dollars per month, 2 rations per day, exclusive of what is allowed to the office by the arrangement of the quarter-master's department:

That Mr. Edwards, besides his pay as a lieutenant, shall be entitled to an addition of 15 dollars per month, as deputy judge advocate, and that Mr. Strong shall in all respects, excepting the rank of lieutenant, be entitled to the pay and appointments provided for Mr. Edwards, for the time he hath or shall continue to execute the office of deputy judge advocate.

*Resolved*, That the commissioners of the continental loan-offices in the respective states, be and hereby are directed to forward to the continental treasury at Philadelphia, all such continental bills of credit as may have been from time to time lodged in their offices, pursuant to the act of Congress of the 18th day of March last; having first cancelled them in the mode prescribed by the resolution of the 1st day of September last, that they may be examined and burned.

*Resolved*, That the commander in chief be, and hereby is fully authorized and directed to cause all horses in the army, whether of public or of private property, to be immediately removed from thence, which in his opinion are not absolutely necessary to be retained for public use:

That all horses belonging to officers, for which forage is allowed, shall, in case they are removed beyond the distance from which long forage is brought to the army, be furnished with their rations of forage during the winter, or an equivalent in money paid for the same, if kept at the expense of the owners :

That the quarter-master general take immediate measures for removing all horses, the property of the United States, which, in the opinion of the commander in chief, can be spared from the army, into some one or more of the said states where he can provide the said horses with forage on reasonable terms :

That if it be deemed preferable by the commander in chief, that a proportion of the public horses should be disposed of for draft oxen, to be provided for the ensuing campaign, he be authorized to direct the quarter-master general to effect the same, in such manner as may be most beneficial to the public service :

That the quarter-master general immediately apply to the executive authority of the states nearest the quarters of the main army, to furnish such quantities of forage as may be in their power, to enable him to lay up proper magazines for the use of the army ; and that he also apply to the more distant states to furnish the intermediate posts with forage for the purpose of transporting provisions and stores to the army, and provide forage for the horses removed from the army :

That, as soon as the foregoing resolutions for the removal of the horses in camp are carried into effect, the commander in chief cause returns to be made to the board of war, of all horses, both of public and private property, kept in camp at the public expense, and also of those removed, noting at what places kept and on what business employed.

#### MONDAY, *November* 13, 1780.

A letter, of the 7th, from governor Jefferson, was read, inclosing a letter, of the 1st, from major-general Gates, with a particular account of the victory obtained by the militia over the enemy at King's Mountain, on the 7th of October last ; Whereupon,

*Resolved*, That Congress entertain a high sense of the spirited and military conduct of colonel Campbell, and the officers and privates of the militia under his command, displayed in the action of October 7th, in which a complete victory was obtained over superior numbers of the enemy, advantageously posted on King's Mountain, in the state of North-Carolina ; and that this resolution be published by the commanding officer of the southern army, in general orders.

#### TUESDAY, *November* 14, 1780.

*Resolved*, That Congress approve the mode suggested by the commander in chief, of incorporating the remainder of the men of the late brigadier general Pulaski's legion, and as many of the officers as there are vacancies for, into colonel Armand's corps ; and that a return be made to the board of war of the deficiency of that corps, that measures may be taken to complete it according to the late establishment ; and that lieutenant-colonel Lee make a return of the deficiency of his corps, for the same purpose.

That the commander in chief be directed to lay before Congress a return of the officers of the engineering department, including those of the companies of sappers and miners, and distinguishing such as, in his judgment, it will be necessary to retain in service, in order that the officers of that department, who shall be continued in service, may be put on an equal establishment with the officers of the line, and that provision may be made for such as shall be reduced.

*Resolved*, That the clause of the letter from the commander in chief of

the 7th, which respects the laying in magazines of provisions contiguous to the army, while the season admits of transportation, be forwarded to the executives of the states of Pennsylvania, Delaware and Maryland ; that they be informed the efforts of those states are become the more essential from the destruction of the grain upon the western frontiers of the state of New-York in the late incursion of the enemy ; and

That they be earnestly required to urge forward, without loss of time, as great a proportion of the provisions assigned to their quotas as can be procured, that the army may no longer be exposed to want, or Congress to complaints, which it is out of their power to redress.

And whereas it is represented by the commander in chief, that the enemy at New-York derive great supplies of provisions from a trade with the adjacent states, and that the penalty of this criminal commerce, by the laws now existing, is either so slight or so little attended to, that it does not prevent the practice : and that by these means the enemy have often been enabled to bear the disappointment of the arrival of their provision fleets, and to avoid the distress which they must have experienced had the resources of the country been effectually cut off from them ; and whereas most nations have made it capital for their subjects to furnish the enemy with provisions and military stores during war :

*Resolved*, That it be, and hereby is, recommended to the legislatures of the respective states, by whom it hath not already been done, to inflict capital punishments on all such persons as shall, directly or indirectly, supply the enemy with provisions or military or naval stores ; and that the most effectual measures be adopted by the respective states for the vigorous execution of such laws.

#### WEDNESDAY, November 15, 1780.

*Resolved*, That the salaries of the officers on the civil list, as fixed by the resolution of the 13th and 25th of September last, shall have retrospect from that day to the 2d of November, 1778 ; that the value of all moneys and articles received on account of salaries since the said 2d day of November, shall be accounted for and ascertained, agreeable to the resolutions of the 28th of June last ; and that the balances shall be paid in the bills of credit emitted pursuant to the resolution of the 18th day of March, 1780, any former resolution to the contrary notwithstanding.

*Ordered*, That the board of treasury take immediate measures for completing the settlement of the accounts of William Palfrey, late pay-master general, agreeably to his request, that he may forthwith proceed to the execution of the office to which he was appointed on the 4th instant : that in the adjustment of his accounts an allowance be made for his pay and subsistence, at the rate fixed by Congress, before the 1st day of September, 1777, upon the principle established in the resolution of this day :

That Mr. Audibert be allowed, for his services as first clerk in the office of pay-master general, 500 dollars per annum ; and that a settlement of his accounts be accordingly made by the board of treasury on the principle above mentioned.

#### THURSDAY, November 16, 1780.

A letter, of the 10th, from Charles Stewart, commissary-general of issues, was read, respecting the resignation and settlement of the account of James Gray, deputy commissary-general, at Albany, and proposing that James Gamble, who is now in the department with the grand army, may be appointed to conduct the business heretofore under the charge of Mr. Gray, until the settlement of Mr. Gray's accounts ; Whereupon,

*Resolved*, That Congress approve of the said proposal ; that the said com-



missary-general be directed to carry the same into effect; and Mr. Gray settle his accounts without loss of time.

**MONDAY, November 20, 1780.**

Congress took into consideration the report of the committee on governor Jefferson's letter of the 7th; and thereupon,

*Resolved*, That it be recommended to the governor of Virginia, to cause the prisoners taken at King's Mountain to be secured in such manner and at such places as he may judge proper:

That a list of the names of the tory prisoners be taken, distinguishing the states, county, or district, to which they severally belong, and transmitted to the executive of their several states, who are requested to take such order respecting them, as the public security and the laws of the respective states may require.

**TUESDAY, November 21, 1780.**

*Resolved*, That a member be elected for the board of war: the member chosen, Mr. Cornell.

**THURSDAY, November 23, 1780.**

Mr. J. Root, a delegate for the state of Connecticut, attended and took his seat.

*Resolved*, That the board of treasury furnish the hon. Ralph Izard with bills of exchange, out of those already ordered to be drawn on Dr. Franklin and Mr. Jay, to the amount of 52,113 livres, being the balance of his account, as accepted by Congress on the 11th of August last; 30,000 livres thereof to be on Mr. Jay, and the remainder on Dr. Franklin.

*Resolved*, That the hon. John Adams be informed of this transaction, which is to supersede the orders given to the hon. Henry Laurens, on the 11th of August last, for the payment of the said balance of 52,113 livres to Mr. Izard.

The board of war, to whom was referred the petition of capt. Joseph Traversi, report,

That it is inexpedient to give him any military rank in the army of the United States:

*Resolved*, That Congress agree to the said report.

**FRIDAY, November 24, 1780.**

Mr. Clymer, a delegate for the state of Pennsylvania, attended and produced the credentials of the delegates for that state, which were read.

The board of war, to whom was referred the letter from col. Tupper delivered in a report; Whereupon,

*Resolved*, That the letter, of the 6th instant, from col. Benjamin Tupper, requesting payment for 55 stand of arms, detained by col. Fellows from the men of the 8th Massachusetts regiment, at the close of the year 1775, be referred to the executive of Massachusetts-Bay, to examine into the nature of the claim, and, if equitable, to take order for the payment of the same, on account of the United States.

*Ordered*, That doctor Shippen, director of the hospitals, repair to headquarters, and put himself under the orders of the commander in chief.

**SATURDAY, November 25, 1780.**

A bill of exchange was presented to Congress, drawn on the honourable John Hancock, president of Congress, by Samuel Chew, in favour of the order of Michael Hendrick Lesten, expressed for the sum of 632 guilders, expressed to be for sundries supplied for the brigantine Resistance, dated at Demarara, December 8, 1777;

*Ordered*, That the same be referred to the board of admiralty, to take order.

*Resolved*, That all the artificers in the department of military stores in Pennsylvania, be removed to Carlisle; and that in future only an issuing store and an elaboratory for fixing ammunition be kept in Philadelphia.

That gen. Washington detach a field officer of artillery to take the command and superintend the business at Carlisle, and under the orders of the board of war.

That the commissary-general of purchases be directed to form a sufficient magazine of provisions at Carlisle for the supply of the post.

That the board of treasury take immediate measures for furnishing such sums of money as shall be necessary for supplying the department of military stores, agreeably to an estimate approved by the board of war.

Congress took into consideration the report of the committee on the letter, of the 12th, from Jonathan Bryan, which is in the words following:

That the several matters stated in his letter appear to be true, and therefore from the particular situation of Mr. Bryan, and in consideration of the hardships he has suffered by a long captivity and removal far from his family and friends, at his advanced period of life; they recommend that Mr. Bryan be reimbursed 1400 dollars, advanced by him in March, 1778, for the use of the troops in Georgia, according to the value of the money at that time; that he also be paid, £ 43 10s. sterling, on account, being one half of the value of the two boats at the time they were furnished for the use of the army; and that it be referred to the board of treasury, to take order.

*Resolved*, That Congress agree to the said report.

#### MONDAY, November 27, 1780.

*Resolved*, That the board of admiralty be and hereby are authorized to enter into such contracts as they, in their discretion, shall think fit, for the purpose of despatching the frigate Trumbull on a cruize, not to exceed six months, for the protection of trade and annoyance of the enemy, without loss of time.

Additional instructions to the captains and commanders of all ships of war and private armed vessels who shall have commissions or letters of marque and reprisal.

1st. You shall permit all neutral vessels freely to navigate on the high seas or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

2d. You shall not seize or capture any effects belonging to the subjects of belligerent powers on board neutral vessels, except contraband goods.

3d. The term contraband shall be confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of February 6th, 1778, between these United States and his most Christian majesty, namely, arms, great guns, bombs with their fuses and other things belonging to them, cannon balls, gun-powder, match, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket-balls, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever.

4th. That all commissions, bonds, and instructions shall be conformable to the preceding regulations: and if any thing shall be done, or willingly suffered to be done, contrary thereto, the offender shall not only forfeit his commission and be liable to an action for breach of the condition of the bond, but be responsible to the party grieved for damages sustained by such malversation.

5th. These instructions, the principles on which they are grounded, and the act of Congress of the 5th day of October last, shall serve as a rule of proceeding in the United States on the legality of prizes.

**TUESDAY, November 28, 1780.**

A letter, of this day, from Mr. Motte, a member of the board of treasury, was read, stating, that on examining the certificates, it appears, that of the 1400 dollars, reported in favor of Mr. Bryan, 800 were advanced by him on the 9th of March, 1777, and 600 on the 2d of March, 1778.

*Ordered*, That it be referred to the board of treasury to take order.

*Ordered*, That the commander in chief, the commanding officer in the southern department, the inspector-general, the adjutant-general, and the commanding officer of each states' line, respectively, be supplied with the journals of Congress, for the use of the army.

Some doubts having arisen in the minds of the general officers, whether the resolution of the 21st of October last, granting half-pay for life to the officers who shall remain in service to the end of the war, was meant to extend to them :

*Resolved*, That the said half-pay for life be extended to all major-generals and brigadier-generals, who shall continue in service to the end of the war :

That the resolution of the 21st of October was so meant and intended.

**WEDNESDAY, November 29, 1780.**

Mr. Wolcott, a delegate for the state of Connecticut, attended and took his seat.

*Resolved*, That the act of Congress, of the 8th of January last, providing for the payment of officers' horses killed in action, be extended to such officers entitled to keep them, who shall have their horses wounded and disabled in action ; provided the horses so wounded and disabled be delivered to the department of the quarter-master general.

*Resolved*, That two commissioners be appointed to act, in conjunction with the treasurer, in examining, counting and burning the continental bills of credit paid in by the several loan-officers, to be destroyed under the direction of the board of treasury :

That the treasurer and commissioners aforesaid, take proper care to select all counterfeits, if any may happen to be among the bills so brought in to be destroyed.

**THURSDAY, November 30, 1780.**

The committee to whom was referred a letter from the board of war, of November 27th, delivered in a report ; Whereupon,

*Resolved*, That the sum of 4000 dollars, in specie, now in the hands of the treasurer, be applied to the use of the officers who are prisoners in Charlestown, and transmitted for the supply of the said officers by the flag which is now ready to proceed to South-Carolina ; and that bills on our ministers in Europe, to the amount of the said sum, be by the board of war returned and deposited in the hands of the commissioner of the continental loan-office for the state of Pennsylvania.

*Ordered*, That the board of treasury immediately make sale of part of the aforesaid bills, so deposited by the board of war, to the amount of 100,000 dollars, to be put into the hands of the board of war, to forward the wagons with stores for the use of the southern army, and for payment of the artificers ordered to the southward.

*Resolved*, That there be a commissary-general of purchases, whose duty shall be to purchase provisions under the direction of Congress, the commander in chief or board of war : to call upon the principal state agents or commissioners for such supplies as their respective legislatures shall make provision for, and to keep up a regular correspondence with them, to the end that their prospects of furnishing such supplies may be fully known ; of which correspondence he shall keep a fair and correct register, as well as of every other official transaction : to direct the quantities and species of provisions to be stored in the magazines of the several states, under the orders

of the commander in chief, and cause the same to be forwarded to the army, as occasion may require; for which purpose he is hereby empowered to call on the quarter-master general, and the deputy-quarter masters for the means of transportation: to make monthly returns to the commander in chief and board of war of all persons employed by him, specifying for what time and on what terms; and of all provisions received in each month, from whom, from what state, and the quantities delivered to the issuing commissaries, their names, and at what posts; also of all provisions remaining on hands, at what magazines and in whose care; the returns to be made up to the last day of each month, and forwarded as soon after as may be: to cause all his accounts with the United States to be closed annually, on the 1st day of January, and laid before the board of treasury for settlement, by the 1st day of March ensuing:

That there be a deputy-commissary of purchases for the southern army, appointed by the commissary-general, whose duty shall be the same with respect to that army, as that of the commissary-general with the main army: he shall make his returns to the commanding officer of the southern army, and to the commissary-general, to whom he shall be responsible:

The commissary-general and deputy-commissary shall each appoint one assistant-commissary, one superintendent of live stock, two clerks, and as many butchers, coopers, drovers and labourers, as may be necessary for conducting the business of the department, and shall have power to fix the pay of the butchers, coopers, drovers and labourers subject to the control of the board of war:

That the pay of the several officers in the department be in the bills emitted in pursuance of the resolution of the 18th day of March last as follows:

The commissary-general 177 dollars per month, 3 rations for himself and servants, and forage for 2 horses; deputy-commissary 125 dollars per month, 2 rations for himself and servant, and forage for 2 horses:

Assistant commissaries 75 dollars per month, 2 rations and forage for 1 horse.

Superintendent of live stock 50 dollars per month, 1 ration and forage for 1 horse.

Clerks 40 dollars per month and 1 ration.

*Resolved*, That no officer appointed under the foregoing regulations be entitled to draw pay unless he produce a certificate of his having taken the oaths prescribed by the resolution of February 3d, 1778:

*Resolved*, That Ephraim Blaine, esq. be continued commissary-general of purchases:

That it be recommended to the several states immediately to inform the commissary-general and deputy-commissary of the names of their principal agents or commissioners, respectively, for supplying the army, and to oblige them to give information, from time to time, to the commissary-general, or the deputy-commissary with the southern army, as the case may be, of their prospects, and how far they shall be able to comply with their requisitions:

That the live stock to be furnished by the several states be delivered to such store-keepers, within each state, at such times and in such quantities, as the commissary-general or deputy commissary, shall direct, under the regulations contained in the act of Congress of the 15th of July last, for the delivery of all other public property:

That the store-keepers appointed by the deputy quarter-masters be subject to the orders of the commissary-general, to whom they are to make monthly returns of all their receipts and deliveries, as far as respects his departments, and in such manner as he shall direct:

That all the resolutions of Congress heretofore made, respecting the department of the commissary-general of purchases, be and they are hereby repealed.

FRIDAY, *December 1, 1780.*

Mr. Houston, one of the delegates for the state of New-Jersey, laid before Congress the credentials of their appointment, which were read.

A report from the board of war was read; Whereupon,

*Ordered*, That the accounts of Samuel Fletcher, late a clothing agent, employed by the board of war, by virtue of authority vested in them for the purpose by Congress, be referred to the board of treasury, who are hereby directed to take order for the settlement thereof, and to report to Congress what ought to be allowed as a reasonable compensation for his services:

Congress resumed the consideration of the report of the committee on the letter from A. Lee; Whereupon,

*Resolved*, That Mr. Lee be informed, that Congress approve of his retaining the picture: that he be further informed, in answer to his letter, that there is no particular charge against him before Congress properly supported, and that he be assured his recal was not intended to fix any kind of censure on his character or conduct abroad:

That the same allowance be made to his secretary as was made to Mr. Stockton, who acted in that capacity to the honourable William Lee; and that the other articles stated in his accounts, with the vouchers produced, be referred to the board of treasury for liquidation.

MONDAY, *December 4, 1780:*

A letter, of November 28th, from general Washington, was read, inclosing a copy of a letter of the 25th of the same month, from major Tallmadge, giving an account of his surprizing and taking fort St. George, on Long Island, and the garrison.

*Resolved*, That no officer of the line of the army of the United States, without express authority from Congress for that purpose, make any contract or bargain, or give any orders, for the purchase of articles for the use of the troops in the departments of the clothier-general, quarter-master general or commissary-general of purchases, except in cases of necessity for provisions and forage for detachments or parties in places where the same cannot be drawn from the public stores or magazines.

*Resolved*, That, instead of the additional pay allowed to officers in the inspector's department, by the resolution of Congress of the 25th of September last, the following sums be allowed, viz.

To the adjutant-general, as assistant inspector, 35 dollars per month:

To an assistant-inspector in a separate army, 30 dollars per month:

To a lieutenant-colonel, as inspector of a division, 25 dollars per month:

To a major, as inspector of a brigade, 25 dollars per month.

*Resolved*, That the corps of marachaussee be continued upon their former establishment.

*Resolved*, That Mr. Simeon de Witt be appointed geographer to the army, in the room of Robert Erskine, deceased.

*Ordered*, That for the future there be only three superintendants of the press, and that Isaac Howell, Peter Thomson and Nathaniel Falconer be continued in office to discharge that business:

That the commissioners to be appointed for examining, counting and burning the continental bills of credit, as mentioned in the resolution of Congress of the 29th of November last, be allowed at the rate of 2-19ths of a dollar, continental currency, per 100 dollars, or the equivalent thereof in the new bills, or other current money, to be equally divided between them:

That John Biddle and Isaac Gray be appointed commissioners for examining, counting and burning the continental bills of credit, agreeable to the resolution of November 29th, and that they take an oath or affirmation of office, previous to their entering on the discharge of their duty.



*Resolved*, That the salaries of the officers on the civil list, as fixed by the resolution of the 18th and 25th of September last, have retrospect to September 1st, 1777, any thing in the resolution of November 15th, which gives them a retrospect only to November 2d, 1778, notwithstanding.

On motion of the delegates for Pennsylvania,

*Resolved*, That Thomas Smith and Richard Bache be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Pennsylvania, pursuant to the resolution of Congress of the 13th of March last.

**TUESDAY, December 5, 1780.**

A letter, of the 4th, from David Jackson, hospital surgeon, was read, requesting leave to resign :

*Ordered*, That leave be granted.

A letter, of the 4th, from William Winder, one of the navy board of the middle department, was read, stating that he understands a reform of the said board has been in contemplation, and requesting leave to retire, his pay in the mean time ceasing, until Congress shall have an opportunity of fixing the new establishment.

*Ordered*, That he have leave to retire, till farther orders from Congress.

**WEDNESDAY, December 6, 1780.**

Mr. Atlee, a delegate for the state of Pennsylvania, attended and took his seat in Congress.

The committee to whom was referred the letter of November 28th, from general Washington, brought in a report ; Whereupon, Congress came to the following resolution :

While Congress are sensible of the patriotism, courage, and perseverance of the officers and privates of their regular forces, as well as of the militia throughout these United States, and of the military conduct of the principal commanders in both ; it gives them pleasure to be so frequently called upon to confer marks of distinction and applause for enterprizes which do honor to the profession of arms, and claim a high rank among military achievements : in this light they view the enterprize against fort St. George, on Long-Island, planned and conducted with wisdom and great gallantry, by major Tallmadge, of the light dragoons, and executed with intrepidity and complete success by the officers and soldiers of his detachment.

*Ordered*, therefore, That major Tallmadge's report to the commander in chief be published, with the preceding minute, as a tribute to distinguished merit, and in testimony of the sense Congress entertain of this brilliant service.

*Resolved*, That such of the convention troops as are not already removed from the barracks near Charlotteville, in the state of Virginia, remain at that post until the further order of Congress.

**FRIDAY, December 8, 1780.**

Mr. J. Montgomery, a delegate for the state of Pennsylvania, attended and took his seat in Congress.

**SATURDAY, December 9, 1780.**

Mr. Witherspoon, a delegate for New-Jersey, attended and took his seat.

*Ordered*, That the purveyor and apothecary be directed to issue medicines and refreshments necessary for the transient sick which may be, from time to time, under the care of doctor Maus, as is done in the general hospital, he making returns of such sick in the manner directed in the hospital regulations to the director, and signing receipts for such stores as are issued to him.

**Ordered,** That doctor Maus report to the commanding officer at the barracks such officers as are appointed to act under him as surgeons to the transient sick, in case of misdemeanor, in order that they be tried for misconduct or neglect of duty by a garrison court-martial.

Congress took into consideration the report on Mr. Palfrey's letters, and agreed to a draught of a commission and instructions to W. Palfrey, as consul of the United States in France.

**Resolved,** That Joseph Clark and Jonathan Arnold be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Rhode-Island, pursuant to the resolution of Congress of the 18th of March last.

MONDAY, *December 11, 1780.*

Mr. W. Burnett, a delegate for the state of New-Jersey, attended and took his seat in Congress.

TUESDAY, *December 12, 1780.*

**Resolved,** That the salary of the surveyor of the post-office be 586 2-3 dollars per annum, and four dollars per day for his travelling expenses while on journies; and that the said yearly pay have retrospect to the first day of September, 1777:

That the depreciation of money, as settled on the 28th day of June last, be made good, on the pay of the post-riders, from the time the same was originally fixed, and that for the future, their pay be double the sum they received before the present war:

That the rates on postage of letters be fixed at half the rates paid at the commencement of the present war:

That for the future, the above allowance and rates be paid in specie, or money emitted in pursuance of the resolution of the 18th of March last, or other money equivalent:

That the post-riders to the eastward, during their necessary stay at Fish-kill, have their horses kept in the public stables, and that a reasonable deduction be made from their pay for the forage they shall be supplied with.

**Ordered,** That the post-master general lay before the board of treasury, as soon as may be, a state of the accounts and sums due to the post-riders:

That the post-master general order the post-riders to travel through Connecticut, at a distance from the sea shore, in such manner as may render them secure from attempts of a like nature with that which lately happened at Stratford, in that state.

**Ordered,** That bills of exchange, not subject to the order of the board of war, drawn on doctor Franklin, agreeably to a resolution of the 23d day of August last, be deposited in the hands of Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, for sale, under the directions of the board of treasury.

Congress took into consideration the report of the committee on the letter of June 26th, from the hon. J. Adams; Whereupon,

**Ordered,** That the said letter be referred to the committee of foreign affairs, and that they be instructed to inform Mr. Adams of the satisfaction which Congress receive from his industrious attention to the interests and honor of these United States abroad, especially in the transactions communicated to them by that letter.

**Resolved,** That the commander in chief be directed, if he shall judge the post at Wyoming necessary, to relieve the garrison there as soon as may be, by troops from the continental army, not belonging to the lines of Pennsylvania and Connecticut, or citizens of either of the said states; and that the present and future garrison continue to be supplied by the commissary-gene-

ral from the magazines of the continent, by purchase, or out of the quota of provisions raised by any state for the use of the continent.

*Resolved*, That the state of Pennsylvania be informed of the steps Congress have taken to remove every subject of jealousy or discontent, and that they be requested to order the supplies which were stopped by lieutenant Hunter, on their progress to Wyoming, to be immediately forwarded to that garrison, to relieve its present urgent distresses.

**WEDNESDAY, December 13, 1780.**

A letter, of the 6th, from doctor Bloomfield and doctor Scott, two hospital physicians, was read, enclosing their commissions, and desiring that their resignations be accepted.

*Ordered*, That their resignations be accepted.

**THURSDAY, December 14, 1780.**

*Ordered*, That capt. Job Sumner be informed, in answer to his memorial of the 17th of last month, that Congress, in their resolution of April 7th, 1779, meant to give him the rank of a captain in the army at large, from the 1st day of July, 1776, in confirmation of the appointment made by general Schuyler; but that no alteration was intended to be made in the line of the state to which he belonged, in which he should take his promotion, as if he had not left his regiment, and entered on board the armed vessels.

*Ordered*, That the resignation of John Lawrence, commissioner of the continental loan-office for the state of Connecticut, be accepted.

*Resolved*, That it be, and hereby is recommended to the state of Connecticut, to appoint a commissioner to superintend the loan-office in that state, in the room of Mr. John Lawrence, resigned.

*Resolved*, That the board of treasury be, and hereby are, enabled to make a final settlement with William Palfrey, late pay-master general, upon the principles of the report of this day, and upon such final settlement, to grant the said William Palfrey a quietus, under the seal of the board of treasury.

**FRIDAY, December 15, 1780.**

Mr. Burke, a delegate for the state of North-Carolina, attended and took his seat.

*Ordered*, That the board of treasury, in adjusting the salary of Arthur Lee, esq. compute the same from the 15th day of December, 1776, to the 25th day of March, 1780.

A report from the board of war, was read; Whereupon,

*Resolved*, That Mons. Inacice Penet have the rank of cornet, in the partizan corps commanded by col. Armand, in the army of the United States.

**TUESDAY, December 19, 1780.**

Mr. James M. Varnum, a delegate for the state of Rhode Island and Providence Plantations, attended and produced his credentials.

Mr. H. Wynkoop, a delegate for the state of Pennsylvania, attended and took his seat in Congress.

Mr. Bland laid before Congress a letter from the governor of Virginia, dated November 17th, 1780.

On motion of Mr. Madison, seconded by Mr. Bland,

*Ordered*, That so much of the said letter as respects the receiving into the continental treasury, specie, at the rate of 75 continental dollars for one of specie, be referred to the board of treasury, and that they be directed to have the transaction stated in their books, and in the books of the treasurer, in such manner that the state of Virginia may not be included in it.

**WEDNESDAY, December 26, 1780.**

On motion of Mr. Bee, seconded by Mr. Matthews,

**Ordered,** That the treasurer pay to the board of war the balance of silver and gold in his hands, and that in the settlement of his accounts, he have credit in continental currency, according to the rate of exchange at which he received the said silver and gold.

**THURSDAY, December 21, 1780.**

A letter, of this day, from J. Laurens, was read :

**Resolved,** That a committee of three be appointed to take into consideration the case of the hon. Henry Laurens, made a prisoner on his passage to Europe, and said to be committed to the tower of London, on suspicion of high treason, and to report thereupon : the members chosen, Mr. Duane, Mr. Witherspoon, and Mr. Burke.

**Ordered,** That the president write to our ministers plenipotentiary at the courts of Versailles and Madrid, desiring them to apply to the courts at which they respectively reside, to use means for obtaining the release and exchange of the hon. Henry Laurens.

The committee on certain bills of exchange, drawn on the president of Congress, by a person subscribing himself baron de Wulffen, brought in a report ; Whereupon,

**Resolved,** That two bills of exchange, the one dated the 3d of August last, for 794 guilders and 10 stivers, and the other the 9th of the same month, for 100 guilders, bank money ; and signed baron de Wulffen, both drawn on the president and members of Congress, in favor of Messrs. John de Neufville and son, of Amsterdam, and expressed to be for value received from them for the drawer's expenses, and for his embarking, and rendered to the president, be protested ; but that, in consideration of Messrs. de Neufville and son having accepted of several of the bills of exchange drawn by Congress on the hon. Henry Laurens, esq. in his absence, and for the honor of Congress, the board of treasury be, and hereby are, directed to take up the said bills, (paying the amount thereof to the present holders,) for the honor of Messrs. de Neufville and son, who have endorsed them, and charge the same to their account in the treasury books, and that they inform those gentlemen of this transaction.

**FRIDAY, December 22, 1780.**

A letter, of the 15th, from gen. Washington, was read ; Whereupon,

**Resolved,** That the paragraph of the letter from the commander in chief, of the 15th instant, which points out the pressing necessity of effectual measures for recruiting the army to its full complement, be immediately communicated to the respective legislatures or executives ; and they are earnestly required, by the most decided and vigorous exertions, not only to urge forward the levying their respective quotas of troops, without loss of time, but to furnish the supplies of provisions and money assigned for their support, with such punctuality as will put the commander in chief in a condition, with the co-operation of our ally, under the divine blessing, to compel the enemy to relinquish their object of subjugating these states, and to secure to us an honorable and permanent peace : and Congress once more remind the states, that the public safety essentially depends on their complying, without reserve or delay, with the measures adopted for an active and decisive campaign.

**SATURDAY, December 23, 1780.**

**Ordered,** That the continental boats at or upon the river Susquehanna, in the state of Pennsylvania, be exposed to sale, for cash or commissaries' or quarter-masters' certificates, as may be most for public advantage.

**TUESDAY, December 26, 1780.**

**Ordered,** That the president write to the executive of the state of Massa-

chusetts-Bay, requesting their assistance in manning and fitting the Alliance for sea, without loss of time.

A letter, of the 7th, from John Warren, was read, signifying his acceptance of the office of hospital physician.

A letter, of November 25th, from John Welles and Edward Chin, was read, signifying their acceptance of the office of commissioners of an extra chamber of accounts.

### WEDNESDAY, December 27, 1780.

*Resolved*, That Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, be, and hereby is, authorized and directed to pay to the pay-master of the board of war and ordnance all the specie he is possessed of, not exceeding 1687 30-90 dollars, arising from the sale of bills of exchange on the ministers of the United States in Europe, in order that the same may be transmitted by the flag now ready to sail to Charleston, for the use of the prisoners of war there.

The board of treasury report, that they have received a letter, of the 9th, from Edward Chin, one of the commissioners of accounts for the northern department, informing them of the death of John Welles, the other commissioner of the extra chamber of accounts, appointed by Congress the 15th of October last, for that department; Whereupon,

*Ordered*, That to-morrow be assigned for electing a commissioner of the extra chamber, in the room of Mr. Welles, deceased.

*Resolved*, That a commissioner of the board of war be appointed to act during the absence of col. Pickering, and that to-morrow be assigned for the election.

*Ordered*, That bills of exchange, out of those already drawn on doctor Franklin, to the amount of 80,000 livres tournois, be put into the hands of the board of war, for the purpose of purchasing a quantity of woollen cloth and blankets for the army.

### THURSDAY, December 28, 1780.

*Resolved*, That a commissioner be appointed for settling accounts in the southern army, and that to-morrow be assigned for electing the same.

*Resolved*, That Congress approve the appointment made by major-general Greene, of lieutenant-colonel Carrington, to be deputy quarter-master general for the southern army.

*Ordered*, That col. Middleton's report of the action between gen. Sumpter and col. Tarleton, on the 20th of November last, and major-gen. Smallwood's, of December 6th, which were enclosed in major-gen. Greene's letter, be referred to the committee of intelligence.

*Resolved*, That the board of admiralty take order for fitting out the Alliance frigate, for the purpose of conveying the hon. J. Laurens to some port in France.

### FRIDAY, December 29, 1780.

Mr. S. Johnson, a delegate for North-Carolina, attended and took his seat.

Congress proceeded to the election of an auditor of accounts for the southern army, and the ballots being taken, Mr. John S. Dart was elected, having been previously nominated by Mr. Bee.

Congress proceeded to the election of a commissioner of the extra chamber of accounts, in the room of Mr. Welles, deceased, and the ballots being taken, Mr. Leonard Gansevoort was elected, having been previously nominated by Mr. Floyd.

Congress proceeded to the election of a commissioner of the board of war, to act during the absence of colonel Pickering, and the ballots being taken,



Mr. Ezekiel Cornell was elected, having been previously nominated by Mr. Sullivan.

*Resolved*, That the commander in chief be, and is hereby, fully authorized and empowered to agree to an exchange of prisoners with the commander in chief of the British forces, in such manner as he shall think proper, always keeping in view the former resolutions of Congress respecting the exchange of the prisoners under the capitulation of Charleston and fort Moultrie :

That the adjustment of the accounts between the United States and the British are to be referred to commissioners, to be settled, and that the exchange of prisoners be not delayed on that account.

*Resolved*, That a committee of three be appointed to collect and cause to be published 200 correct copies of the declaration of independence, the articles of confederation and perpetual union, the alliance between these United States and his most Christian majesty, with the constitutions or forms of government of the several states, to be bound together in boards : the members, Mr. Bee, Mr. Witherspoon, and Mr Wolcott.

#### MONDAY, January 1, 1781.

On motion of Mr. Madison, seconded by Mr. Sullivan,

*Resolved*, That in the new arrangement of the army it is the sense of Congress, that the officers of the continental lines, who have been exchanged since the said arrangement, or are now in captivity, ought to be considered and arranged according to their respective ranks, in the same manner with those who have not been prisoners.

A motion was made by Mr. Sullivan, seconded by Mr. Varnum,

That lieutenant-colonel William Smith be continued as sub-inspector, with his present rank in the army of the United States, to be employed as the commander in chief shall direct :

On which the yeas and nays were required, and it was resolved in the affirmative.

#### TUESDAY, January 2, 1781.

The delegates for the state of Massachusetts-Bay laid before Congress their credentials.

A report from the board of treasury was read : Whereupon,

*Resolved*, That John Shee and Andrew Doz, together with the treasurer of loans, be competent to execute the duties heretofore assigned them, in conjunction with Hugh Montgomery and Samuel Downe ; and that the said John Shee and Andrew Doz, with the treasurer of loans, proceed to destroy any bills which are or may be transmitted by the commissioners of the loan-offices to the treasurer of loans, of the emissions of May 20th, 1777, and April 11th, 1778, called out of circulation.

*Resolved*, That the consideration of the damages, represented by Jonathan Sturges, to be done his farm by the continental troops, be deferred to the close of the present war, then to be taken up, in common with others of a similar nature, which have been postponed to that period.

*Resolved*, That loan-office certificates of the following denominations, bearing an interest of six per cent. per annum, be struck under the direction of the board of treasury, to be issued to such fortunate adventurers in the third-class of the United States' lottery, as may be entitled to and apply for the same ; and that the said certificates be dated at the time of finishing the drawing of the said class, and made payable at the end of five years, viz.

1 of 30,000 dollars.	2 of 10,000 dollars.	200 of 1,000 dollars.
1 of 20,000 do.	10 of 5,000 do.	1000 of 500 do.
2 of 15,000 do.		

The board of treasury, to whom was referred the letter of Resolve Smith,

report, that, in the opinion of the board, it is not only inexpedient but highly improper, at this juncture, to dispose of the bills of exchange for the purposes pointed out in his letter :

*Resolved*, That Congress agree to the said report.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favor of the pay-master to the board of war and ordnance, for 1,000,000 of dollars, of the old emissions, to be by him transmitted to Joseph Clay, deputy pay-master general to the southern department : that the said Joseph Clay be informed, by the board of treasury, of the value of bills in this city, and that he be directed to forward what bills may be remaining in his hands unsold by return of the escort who takes to him the money aforesaid, unless it shall appear to the said pay-master for the southern-department, absolutely necessary to retain a part of such bills for indispensable supplies for the said department. But at all events the said deputy pay-master shall return to the board of treasury 13,000 dollars, in bills of exchange, as an equivalent for the million of dollars sent him as aforesaid. That upon the return of the bills aforesaid to the board of treasury, should they exceed the equivalent for the million sent, immediate measures be taken for the sale of the said bills, and the money arising from such sale forwarded to the said Joseph Clay, for the use of his department,

A report from the board of war was read ; Whereupon,

*Ordered*, That the board of war add to the estimate of supplies to be imported from Europe, eight plain, but elegant silver mounted small swords.

A letter from colonel Armand was read ; Whereupon,

*Resolved*, That general Washington be informed, that Congress consent to his permitting colonel Armand to take from the line of infantry in the army of the United States, when the state and strength thereof will admit, a sufficient number of volunteers to complete his partizan corps for the next campaign, provided he be not allowed to take more, than six men from a regiment.

A report from the board of war, on the letter of J. Laurens, was read ; Whereupon,

*Ordered*, That bills of exchange, to the amount of \$700 dollars, be put into the hands of the pay-master of the board of war and ordnance, for the purpose of enabling the said board to take for the public use, a number of cartouch boxes and a quantity of clothing, contracted for by lieutenant-colonel Laurens, and to pay for the repairs of a number of arms, for which colonel Laurens became engaged.

### WEDNESDAY, January 3, 1781.

A letter of this day from doctor William Shippen, director-general of the hospitals, was read, requesting leave to resign.

*Ordered*, That his resignation be accepted.

A letter and memorial of John Ross, were read, with a copy of his account against the United States :

*Ordered*, That the same be referred to the board of treasury, to liquidate the account, and devise ways and means for paying the balance due to him.

The board of war, to whom was referred the letter from brigadier-general James Reed, delivered in a report ; Whereupon,

*Resolved*, That for the future, brigadier-general James Reed receive the emoluments of officers retiring from service by virtue of the resolutions of Congress on that subject ; and that it be recommended to the executive of the state of New-Hampshire to make up to him the depreciation of his pay from the time of his appointment to this day ; and to pay him in future, on account of the United States, the sum he is entitled to receive, from time to time, by virtue of the said resolutions.

Congress took into consideration the report of the committee on the petition from Thomas Lee and John Coffin Jones; and thereupon,

*Resolved*, That the board of treasury be, and hereby are directed to draw bills of exchange in favour of Lee and Jones, at six months sight, upon the hon. John Adams, for the full amount of the balance, principal and interest, due on the contract made with them for a quantity of clothing for the army, by Otis and Henly, in behalf of the United States, on the 15th day of January, 1780, to be delivered to the said Otis and Henly, and for which they are be accountable.

SIX O'CLOCK.

*Resolved*, That a committee of three be appointed to confer with the supreme executive of the state of Pennsylvania, on the subject matter of the intelligence received this day; the members, Mr. Sullivan, Mr. Witherspoon and Mr. Matthews.

THURSDAY, January 4, 1781.

*Ordered*, That the board of war draw no warrants on the pay-master general, except for the invalid regiment, and the regiment of artificers in the department of the commissary-general of military-stores, until the farther order of Congress.

A report from the board of war was read; Whereupon,

*Ordered*, That the resignation of cornet Brayman, of colonel Armand's corps, be accepted: that the board of treasury report a warrant in favour of cornet Brayman, for 300 dollars, of the new emissions, in full for his pay, depreciation, and every other claim he may have against the United States as an officer.

Congress took into consideration the report of the committee on the post-office; Whereupon,

*Resolved*, That so much of the act of the 12th of December last, for regulating the post office, as directs "that for the future the pay of the post-riders be double the sum they received before the present war," be suspended until further order of Congress.

Congress took into consideration the report of the committee on the petition of M. McConnel, &c. and others, under similar circumstances, wherein it is represented,

That the petitioners, in the summer past, had, in the vicinity of the army near West-Point, a quantity of rum, &c. which they had transported thither at their own expense from a considerable distance; that by order of the commanding-officer at West-Point, some of the rum, &c. was received upon special contract, and some was taken without any particular contract, for the use of the garrison; that the price agreed for is no more than the current price at that time in that place, and not greatly exceeding the price fixed by the resolution of the 25th February, after deducting the charges of transportation: that cases such as these, being singularly circumstanced, ought not to be confined to the rule prescribed in the resolution of the 26th of August: Whereupon,

*Resolved*, That the cases above referred to, and others under similar circumstances, where supplies have been furnished by individuals for the use of the army, upon particular contracts, be settled and paid agreeably to such contracts, making good the depreciation; and that where such supplies are taken without any particular contract, they be settled and paid according to their just value, to be estimated by the current prices of such articles at the time and place, when and where taken, with the depreciation.

The committee appointed to confer with the managers of the bank, laid before Congress an account of the first payment received on the loan subscription.

**Ordered,** That it be referred to the board of treasury, to devise ways and means of repaying the same to the managers of the bank.

**FRIDAY, January 5, 1781.**

A letter, of the 4th, from John Wharton, one of the navy board of the middle district, was read, desiring leave to resign.

**Resolved,** That two members be added to the committee appointed on the 24 inst. to confer with the supreme executive of the state of Pennsylvania, on the subject matter of the intelligence received that day; and that the said committee be instructed to act in concert with the said executive, and fully empowered to take such measures as may appear necessary to quiet the disturbances in the Pennsylvania line: the members added, Mr. Atlee and Mr. Bland.

The committee to whom were referred the letter of Abraham Skinner, commissary-general of prisoners, and other papers relative to the treatment of prisoners in the hands of the enemy, delivered in a report as follows:

"That notwithstanding every effort of Congress to obtain for our people, prisoners in the hands of the enemy, that treatment which humanity alone should have dictated, the British commanders, unmindful of the tenderness exercised towards their men, prisoners in our hands, and regardless of the practice of civilized nations, have persisted in treating our people, prisoners to them, with every species of insult, outrage and cruelty. Officers and men are indiscriminately thrown into the holds of prison-ships and into loathsome dungeons, and there deprived of fuel and the common necessities of life, by which means many of the citizens of these states have been compelled to enter into their service, to avoid those distresses which a conduct so contrary to the law of nations had brought upon them. Our seamen taken upon the American coast, have been sent to Great-Britain, or other parts beyond seas, to prevent their being exchanged, or to force them to take arms against their country: that in the opinion of the committee, an exercise of the law of retaliation had become necessary, as a justice due to those citizens of America whom the fortune of war has thrown into the power of our enemy; Whereupon,

**Resolved,** That copies of the letter of Mr. A. Skinner, and the other papers referred, be transmitted to the commander in chief, and that he be directed to enquire into the manner in which our people who are prisoners, are treated by the enemy, and that he give immediate orders to the commanding officers at the different ports to take particular care that the British prisoners receive the same allowance and treatment, in every respect, as our people, who are prisoners, receive from the enemy.

**Resolved,** That it be recommended to the respective executives to take effectual measures for carrying into execution the act of Congress of January 18th, 1780, respecting prisoners taken by the citizens, troops or ships of particular states:

That the board of admiralty issue orders not to exchange any British sea officers or seamen, until the enemy have returned to some of their garrisons in America, such seamen as they have taken upon the American coasts, and sent to Great-Britain, or other parts beyond sea: and that the board of admiralty give orders for continuing the treatment of prisoners as herein directed, until they receive orders to the contrary from Congress or the commander in chief."

**SATURDAY, January 6, 1781.**

A letter from the board of war was read; Whereupon,

**Resolved,** That Ignatius Penet be appointed a lieutenant in colonel Armand's partizan corps.

## MONDAY, January 8, 1781.

A report from the board of war was read ; Whereupon,

*Ordered*, That the resignation of lieutenant Henry Stroop, of colonel Flower's regiment of artificers, be accepted.

*Resolved*, That colonel Broadhead be informed, that it will be agreeable to Congress to receive the visit proposed to be made to them by some of the friendly Delaware Indians in the spring, as mentioned in his letter of the 7th of last month to the board of war :

That colonel Broadhead be also informed, that Congress will support, as far as their abilities will permit, such of the Indians of the Delaware tribe, as shall voluntarily engage in the service of the United States against the common enemy.

The board of war, to whom was referred a letter of the 15th of November from the governor of New-York, with the letter from colonel Malcolm enclosed, delivered in a report ; Whereupon,

*Resolved*, That, in the opinion of Congress, colonel William Malcolm cannot be considered as entitled to pay and subsistence as a colonel in the service of the United States, longer than he held the actual command of his regiment ; and that he be recommended to the executive of the state of New-York as a meritorious officer, who, from the impracticability of employing him in the army, is to be deemed a supernumerary under the resolution of Congress of the 24th day of November, 1778.

And whereas colonel Malcolm has been employed, after his leaving his regiment, on sundry occasional services :

*Resolved*, That it be referred to the executive of the state of New-York to settle and adjust his pay during the time of such services, and charge the same to the United States.

The committee, to whom was referred the report of a committee on letters from general Washington, &c. of December 8th, delivered in a report ; Whereupon,

*Resolved*, That it be earnestly recommended to the states, from New-Hampshire to North-Carolina, inclusive, to procure and forward to the treasurer of the United States, or to their commissary of prisoners, appointed to reside at New-York, by the 1st day of March next, for the use of the officers in captivity at that place, and on Long-Island, and to be charged to the United States, the following sums respectively, in specie, or bills of exchange on New-York, viz.

New-Hampshire,	-	-	2,319 dollars.	Delaware,	-	-	987 dollars.
Massachusetts,	-	-	13,334 do.	Maryland,	-	-	9,159 do.
Rhode-Island,	-	-	1,160 do.	Virginia,	-	-	14,492 do.
Connecticut,	-	-	9,855 do.	North-Carolina,	-	-	5,796 do.
New-York,	-	-	4,347 do.				
New-Jersey,	-	-	5,217 do.				
Pennsylvania,	-	-	13,334 do.				
							80,000 dollars.

Congress proceeded to the election of an adjutant-general, and, the ballots being taken, brigadier-general Hand was elected.

## TUESDAY, January 9, 1781.

Congress took into consideration the report of the committee on the letter of the 6th of December last, from the president and supreme executive council of the state of Pennsylvania ; Whereupon,

*Resolved*, That the president and supreme executive council of the state of Pennsylvania be informed, that Congress have paid due attention to their letter of the 6th of December last, stating "a high abuse of office, committed by James Mease, late clothier-general, and William West, jun. his deputy or appointee : who, in conjunction with major-general Arnold, did,



under colour of office, in the year 1778, take from sundry inhabitants of this city, great quantities of merchandise, not necessary for the army, which were converted to their private emolument :”

That Congress highly disapprove such conduct, and consider it as a flagrant abuse of office and of the public confidence reposed in them, and meriting exemplary punishment ; and,

That it be recommended to the said president and supreme executive of the state of Pennsylvania, to direct the attorney-general of the said state to prosecute the said James Mease and William West, jun. in the name of the United States, in the ordinary course of law, for the abuse of office and breach of trust complained of.

**WEDNESDAY, *January 10, 1781.***

Congress took into consideration the report of the committee appointed to consider and report a plan for the department of foreign affairs, wherein they state,

That the extent and the rising power of these United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connexion :

That to render such an intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations, and systems of those potentates, is obvious :

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and an unremitted application to the means of acquiring well grounded information :

That Congress are moreover called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the public honor, interest, and safety :

That to answer those essential purposes, the committee are of opinion, that a fixed and permanent office for the department of foreign affairs ought forthwith to be established, as a remedy against the fluctuation, the delay and indecision to which the present mode of managing our foreign affairs must be exposed ; Whereupon,

*Resolved*, That an office be forthwith established for the department of foreign affairs, to be kept always in the place where Congress shall reside :

That there shall be a secretary for the despatch of business of the said office, to be styled “ secretary for foreign affairs :”

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the department of foreign affairs ; to receive and report the applications of all foreigners ; to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before Congress when required ; also to transmit such communications as Congress shall direct, to the ministers of the United States and others at foreign courts, and in foreign countries ; the said secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department ; he shall also be authorized to employ one or, if necessary, more clerks to assist him in the business of his office ; and the secretary, as well as such clerks, shall, before the president of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.

**THURSDAY, *January 11, 1781.***

The board of admiralty, to whom was referred the letter of J. Wharton, delivered in a report ; Whereupon,

**Ordered,** That the resignation of John Wharton be accepted.

**Resolved,** That James Reed be, and hereby is, invested with full powers for conducting the business of the navy-board in the middle department, until the further order of Congress, and that he be empowered to hire a competent clerk for the purpose of assisting him in settling the accounts of that board.

**Resolved,** That Monday next be assigned for electing a director of the hospital, and a pay-master general to the army.

FRIDAY, *January 12, 1781.*

Congress took into consideration the report of the board of war of December 8th; Whereupon,

**Resolved,** That from and after the 1st day of August last, the pay and appointments of the officers in the department of the commissary-general of military stores be as follows, the sums hereafter mentioned to be paid in bills of the new emission, and all moneys received in bills of the old emissions, since the said 1st day of August, be accounted for agreeable to the table of depreciation, as fixed by the board of treasury: commissary-general of military stores, 100 dollars per month, 3 rations per day; deputy commissary-general, 80 dollars per month, 2 rations per day; commissaries, 70 dollars per month, 2 rations per day; deputy commissaries, 55 dollars per month, 2 rations per day; conductors, 45 dollars per month, 1 ration per day; clerks, 40 dollars per month, 1 ration per day.

No rations in addition to the number above mentioned, are to be allowed for servants:

That the officers and men of the regiment of artillery artificers, have the same pay, from and after the said 1st day of August, in bills of the new emission, as was originally fixed in bills of the then emissions, by the regulations of the department, made by Congress, on the 11th day of February, 1778, and that they draw the number of rations then directed:

That the appointments of the field-commissary of military stores, and his subordinate officers, be as follows, from and after the 1st day of August last, the pay to be received in bills of the new emission: field-commissary, 90 dollars per month, 2 rations per day, servants included; deputy field-commissary, 70 dollars per month, 2 rations per day, servants included; conductor, 45 dollars per month, 1 ration per day, servants included; clerks, 40 dollars per month, 1 ration per day, servants included:

That the commanding officer of artillery, for his extra services in the affairs of the ordnance department, receive 40 dollars per month, in addition to his pay as an officer in the line, in bills of the new emission, from and after the 1st day of August last:

That the surveyor of ordnance for defraying his expenses in the exercise of his office, be allowed from and after the 1st day of August last, 40 dollars per month, in bills of the new emission, besides his appointments as a field officer of artillery.

**Resolved,** That the additional pay of aids-de-camp, brigade-majors, adjutants, and regimental quarter-masters, agreeably to the act of 27th May, 1778, be considered as fixed in specie; and that the same, from and after the 18th day of August last, be drawn in bills of the new emission:

That the pay of a regimental pay-master and clothier, in addition to his pay as an officer in the line, be 30 dollars per month, in bills of the new emission, and that the several states, in making up the depreciation of such officers from the times of their respective appointments, calculate upon the additional pay as being 30 dollars per month in specie.

The report of the committee on the affairs of the treasury was called for, and the same being read, was accepted.

*Ordered*, That it be entered on the journal.

The report is as follows : that they met upon the business to them referred, and received the complaint of Ezekiel Forman and John Gibson, two of the commissioners of the board of treasury, against the commissioners of the chambers of accounts, in writing, which contains the five following charges, or articles : 1st, neglect of duty ; 2d, indolence ; 3d, inattention to the public interest ; 4th, incapacity ; and 5th, partiality :

That the committee furnished the commissioners of the chambers of accounts with the said complaints, and afterwards heard the testimony, proofs, allegations and observations of the several parties ; and after mature deliberation thereupon, find that the commissioners of the chambers have settled above 200 accounts between the 1st of December, 1779, and the 1st December, 1780, several of which required the examination of many thousand vouchers and papers ; and that all the accounts which have been referred to them are reported to the auditor-general's office, four or five excepted, for the delay of which satisfactory reasons were given to the committee :

That the committee cannot ascertain with any precision the time that might be necessarily employed in the transacting this business, but conceive it might have been done with more facility if the present system established by Congress did not necessarily create great delays, and therefore they are, upon the whole, of opinion that the said commissioners cannot justly be censured on account of any of the three first articles or charges :

That the committee had no evidence of incapacity in the said commissioners, or either of them, save Mr. John Nicholson, one of their clerks, whose conduct had been complained of by them, and who had recriminated the said commissioners previous to the giving his evidence ; and besides, the committee are not satisfied that he is a competent judge of this matter :

That they have carefully attended to every suggestion of partiality, and, having fully investigated every particular relating to this charge, do not find any trace of the sort :

The committee, therefore, are of opinion, that the commissioners of the chambers of accounts, and every of them, should be acquitted of each of the charges exhibited against them.

#### SATURDAY, *January 13*, 1781.

The committee to whom was referred the letter of December 7th, from major-general Greene, delivered in a report ; Whereupon,

Congress taking into consideration the eminent services rendered to the United States by brigadier-general Sumpter, of South-Carolina, at the head of a number of volunteer militia, from that and the neighboring states, particularly in the victory obtained over the enemy at the Hanging Rock, on the 6th of August ; in the defeat of major Wemys and the corps of British infantry and dragoons under his command, at Broad-river, on the 9th day of November, in which the said major Wemys was made prisoner ; and in the repulse of lieutenant-colonel Tarleton, and the British cavalry and infantry under his command, at Black-Storks, on Tyger-river, on the 20th day of November last ; in each of which actions the gallantry and military conduct of gen. Sumpter, and the courage and perseverance of his troops, were highly conspicuous.

*Resolved*, therefore, That the thanks of Congress be presented to brigadier-general Sumpter, and the militia aforesaid, for such reiterated proofs of their patriotism, bravery, and military conduct, which entitle them to the highest esteem and confidence of their country ; and that the commanding officer of the southern department do forthwith cause the same to be issued in general orders, and transmitted to gen. Sumpter.

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MONDAY, *January 15, 1781.*

The committee to whom was referred the letter from E. Blaine, and the report of the board of treasury on the letter from J. Pierce, delivered in a draught of a letter to the states, which was agreed to as follows:

SIR: A circular addressed to the respective states, of the 9th day of November last, communicated a requisition of Congress for the service of the current year. This act, and the system of the 18th of March, respecting our finances, include the principal means which their present powers have enabled Congress to adopt for prosecuting the war; measures so deeply interesting not only demand the unremitted attention and vigorous support of the legislatures; but Congress ought to be informed of their progress with the utmost precision. Both are necessary to the public credit, to the success of our military operations, to the very existence of our armies. By our act of the 21st of October, the state agents are directed to transmit to the commander in chief, and to the commissary-general, respectively, monthly returns of all supplies which shall be drawn into their hands, specifying the articles and the magazines where they shall be deposited. It is equally incumbent on the state treasurers to make similar returns to the board of treasury of all the taxes which shall be brought into their respective offices, and of the issues of the new emission. These are regulations which cannot be dispensed with, and it is recommended to the legislatures to enjoin them under such penalties as will enforce a prompt and punctual obedience.

Besides those supplies for the current year, which cannot be anticipated without the utmost danger, the pay in arrear to the army demands your most serious consideration. The honour of government and military order and discipline depend on its regular discharge. Nor was a fund sufficient for this and other purposes neglected; for had the requisitions for taxes prior to the act of the 18th of March been productive; had the warrants on the state treasurers for the balances of those taxes, drawn so long ago as the first of July, been satisfied, a complaint of this nature could not have existed.

We are not unapprized of the embarrassments attending the collection of taxes from the credit given on commissaries and quarter-masters' certificates for the support of the army; but it is manifest that Congress could not provide a remedy. It was found expedient to discontinue the emission of paper-money, and from various causes, the public necessities were not relieved by loans, at the same time that the measure was embraced of extinguishing those certificates in the taxes. Hence the treasury has been destitute of supply, almost every resource being cut off at the same instant. In vain have we endeavoured to obtain a knowledge of the amount of those certificates, or how far they have been reduced; and they continue to obstruct every plan which hath been devised for restoring public credit and supporting the war. This is a subject to which the authority of the legislatures alone is competent, and it will become their wisdom and their zeal for the public service to give it the fullest investigation.

In the mean time, an immediate provision for the pay of the army is indispensably necessary. We need not dwell upon the injustice or the probable effects of a delay, they are obvious and alarming: and we earnestly call upon the several states to devise prompt and efficient means for remitting to the pay-master general, on warrants to be issued in his favour, the respective quotas assigned to them by the enclosed estimate.

The necessity of great and spirited exertions becomes every day more evident. While the cruel policy of our enemies raises universal indignation and abhorrence, it admonishes us that no time is to be lost in rescuing our bleeding country from desolation, and establishing its independence on the basis of an honourable and permanent peace. However great may be the burthens which we are called upon to sustain, let us remember that they

are the price of liberty, and that they have been common to every people who have dared to struggle for social happiness against violence and oppression. Let us reflect on our solemn engagements, to devote our lives and our fortunes to the best of causes : and we shall find that we cannot be destitute of resources. Let us review the past miseries of a lingering war, and the danger of its further protraction, and we shall seize the golden opportunity of co-operating with our generous ally, by every possible effort to render the approaching campaign glorious and decisive. If we are unable in this stage of the conflict to defend ourselves by annual taxes ; can we hesitate to interpose our responsibility, or to contribute a portion of our capitals? Will a people whose fortitude and patriotism have excited the admiration of Europe, languish at the bright dawn of triumph, and endanger the public happiness by a selfish parsimony? While Congress entertain just sentiments of their constituents there can be no place for such humiliating apprehensions. On the contrary, we shall look with confidence for a liberal compliance with every requisition which the public exigencies dictate. Experience has pointed out the dangers to which we have been exposed by a want of punctuality in former supplies, and we are persuaded that those dangers will, for the future, be carefully prevented.

For our own part we have left nothing unessayed to render the operations of the war more vigorous and successful. We have applied for naval succours from abroad : if we no longer continue unfortunate in the importation, we shall not want a competent supply of clothing, arms and ammunition. We are once more attempting a foreign loan of specie : we have pointed out and required the aids of men, provisions and money, which in every event must be produced from our own internal resources. We have strenuously urged upon the states a punctual compliance, on their part, with those requisitions. With the states who alone have authority to execute ; with an enlightened people, who know how to estimate the blessings for which we contend, it remains to give the measures which we have recommended their full and seasonable effect.

The estimate referred to :

Estimate of the sums necessary to be forwarded by the respective states, from Pennsylvania to New-Hampshire, inclusive, for the immediate pay of the army composed of the lines of those states.

<i>Apportioned by Congress as follows :</i>			
New-Hampshire,	-	51,726 dollars.	New-Jersey, - - - 51,726 dollars.
Massachusetts,	-	284,493 do.	Pennsylvania, - - - 232,767 do.
Rhode-Island,	-	25,863 do.	
Connecticut,	-	155,178 do.	
New-York,	-	77,589 do.	
			Total. 879,342 dollars.

The above is calculated on six months' pay, in specie value ; one half of which to be advanced without the least delay, and the remainder by the 1st of April next.

WEDNESDAY, *January 17, 1781.*

Mr. Alexander M'Dougall, a delegate from the state of New-York, attended, and took his seat in Congress.

*Resolved,* That the salary of the secretary for foreign affairs be 4000 dollars per annum, exclusive of office expenses.

*Resolved,* That Monday next be assigned for electing a secretary for foreign affairs.

Congress proceeded to the election of a director of the military hospital ; and the ballots being taken, Dr. John Cochran was elected, having been previously nominated by Mr. Varnum.

Congress proceeded to the election of a pay-master general of the army ; and the ballots being taken, Mr. John Pierce was elected, having been previously nominated by Mr. Clarke;



Congress took into consideration the report of the committee on the letter of the 5th November last, from general Washington, enclosing a memorial from the officers in the hospital department; and, thereupon, came to the following resolutions:

Whereas, by the plan for conducting the hospital department, passed in Congress the 30th day of September last, no proper establishment is provided for the officers of the medical staff, after their dismissal from public service, which, considering the custom of other nations and the late provision made for the officers of the army, after the conclusion of the war, they appear to have a just claim to; for remedy whereof, and also for amending several parts of the above-mentioned plan:

*Resolved*, That all officers in the hospital department, and medical staff, hereinafter-mentioned, who shall continue in service to the end of the war, or be reduced before that time as supernumeraries, shall be entitled to, and receive, during life, in lieu of half-pay, the following allowance, viz.

The director of the hospital equal to the half-pay of a lieutenant-colonel:

Chief physicians and surgeons of the army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half-pay of a captain:

That there be allowed to the purveyor, apothecary, and assistant purveyor, each, forage for one horse:

That the power given in the before-mentioned plan, to the chief physician and surgeon of the army, to remove regimental-surgeons and mates in case of absence without leave, shall in future extend no further than a power of suspension, until such delinquent shall be reported to a proper officer for bringing him to trial by court-martial:

That the apothecary may deliver medicines, instruments and dressings, and other articles of his department, to the hospitals, on orders in writing from a physician and surgeon having the care of any particular hospital, where the director or one of the chief physicians and surgeons shall not be present to give the same:

That the power given to the director and chief hospital physicians, with respect to the appointment of matrons, nurses, and other persons necessary for the regular management of the hospitals, be extended to each of the physicians and surgeons of the hospitals, in the absence of the director and chief physicians and surgeons.

#### THURSDAY, *January 18, 1781.*

On motion of Mr. Clarke, seconded by Mr. Duane,

*Resolved*, That the board of admiralty be authorized to exchange, as heretofore, any exchangeable prisoners of the enemy, taken in refugee boats, for our people prisoners with the enemy, the resolution of the 5th instant notwithstanding.

#### SATURDAY, *January 20, 1781.*

The committee, to whom was referred the letter of the 21st December, from E. Blaine, delivered in a report; Whereupon,

*Ordered*, That a letter be written by the president to the executive of the state of Delaware, representing the necessity of forming magazines of flour contiguous to the army, and urging that state to send forward their quota to Trenton by water, without delay.

#### TUESDAY, *January 23, 1781.*

A letter, of the 10th, from J. Bradford, was read, enclosing a schedule of the settlement with captain Duarti, for the Nostra Signiora del Carmo and St. Antonio and cargo; and captain Duarti's discharge:

*Ordered*, That the same be referred to the board of treasury.

The delegates for the state of New-York, laid before Congress a letter of the 14th, from John M'Kesson, which being read, it was thereupon,

*Resolved*, That a procurator be appointed, during the pleasure of Congress, to prosecute in behalf of Congress for all debts due to, or frauds committed against these United States in the state of New-York.

*Resolved*, That Egbert Benson, esq. be appointed to the office of procurator as aforesaid.

*Ordered*, That the letter aforesaid be referred to the board of treasury to take order.

A report from the board of war was read ; Whereupon,

*Resolved*, That Congress approve of col. Armand's proposals as made in his letter of the 19th inst. to the board of war, respecting the procuring the clothing and equipment of his legion on his own credit ; the monies advanced for the purchase of the articles procured, to be re-paid in four years, with interest, at the rate of five per centum per annum ; the articles procured to be plain and useful, without unnecessary decorations or expense :

That colonel Armand have leave to go to France ; and for this purpose a furlough be granted him for six months :

That the board of treasury report a warrant in favour of the pay-master of the board of war, for the sum deemed necessary by the board to recruit the legion commanded by col. Armand to its complement :

That the quarter-master general be directed to procure a sufficient number of horses, to re-mount such of the cavalry as are destitute of horses agreeable to the directions to be given by the commander in chief for the next campaign, and that colonel Armand's legion be furnished with its proportion out of the number so procured by the quarter-master general :

That the remainder of colonel Armand's legion, now in service, be stationed, for the purpose of discipline and equipment, at such place as the commander in chief shall think proper :

That so much of the report as relates to the appointment of lieutenant-colonel Ternant to be lieutenant-colonel of the legion commanded by colonel Armand, be referred to the commander in chief.

#### FRIDAY, January 26, 1781.

A letter, of the 25th, from J. Pierce, pay-master general, was read ; Whereupon,

*Resolved*, That the allowance of five dollars per month, to the officers of the army, for each retained ration, granted by an act of the 12th of August last, shall commence on the 1st day of August, 1780 :

That the additional pay of aids-de-camp, brigade-majors, adjutants and regimental quarter-masters, as mentioned in the act of Congress of the 12th of this inst. be drawn in bills of the new emission, from and after the 1st day of August last, instead of the 18th day of the same month, as mentioned in the above-mentioned resolution.

#### SATURDAY, January 27, 1781.

A report from the board of treasury was read ; Whereupon,

*Resolved*, That the resignation of John Biddle, lately appointed a commissioner to burn the money sent, and to be sent, by the commissioners of the several loan-offices, to the treasury of the United States, be accepted, and that Mr. Andrew Doz, the commissioner appointed to destroy the emissions of May, 1777, and April, 1778, in the hands of the treasurer of loans, be, and hereby is appointed to execute the trust assigned to Mr. Biddle.

MONDAY, *January 29, 1781.*

Mr. Joseph Jones, a delegate of Virginia, attended, and took his seat in Congress.

WEDNESDAY, *January 31, 1781.*

A letter of the 18th, from governor Trumbull, was read, enclosing a resolution, passed by the general assembly of that state, the 29th of Nov. last, respecting the requisitions of Congress; and wherein it is represented, "that upon good information, there is reason to apprehend that there has been a great loss and spoil of clothing belonging to the United States, for want of proper care and attention to that department;" also a resolution of the said general assembly, passed in October last, respecting the cession and relinquishment of the western territory to the United States.

*Ordered*, That the resolution of November be referred to a committee of three: the members, Mr. Duane, Mr. Clymer and Mr. Sharpe.

*Ordered*, That the resolution of October, together with the acts and resolutions of the state of New-York and of the commonwealth of Virginia, on the same subject, be referred to a committee of seven: the members, Mr. Witherspoon, Mr. Duane, Mr. Root, Mr. Adams, Mr. Sullivan, Mr. Burke, Mr. Walton.

The committee to whom was referred the letter of Joseph Howell, auditor of accounts for the main army, and the report of the board of treasury thereon, delivered in a report; Whereupon,

*Resolved*, That the auditors of accounts for the main and separate army, be, and hereby are authorized to allow to each of their clerks, from and after the first day of August last, 41 2-3 of a dollar a month, in bills emitted pursuant to the act of the 18th of March last, and one ration a day.

The committee to whom was referred the memorial of Samuel Hodgdon, delivered in a report; Whereupon,

*Resolved*, That the commissary-general of military stores, or first officer in that department, be, and hereby is allowed, from and after the first day of August last, 115 dollars a month, in bills emitted pursuant to the act of the 18th of March last; and that the deputy commissary or second officer in that department, be, and hereby is allowed, from the said first day of August, the sum of 90 dollars per month, in the bills aforesaid; in lieu of the sums allowed them respectively by the resolution of the 12th instant.

THURSDAY, *February 1, 1781.*

On motion of the medical committee,

*Resolved*, That the purveyor of the hospital be, and hereby is empowered and directed to collect, or cause to be collected and secured under his care, until properly issued, all public hospital stores and medicines in Virginia, late under the direction of Dr. Rickman, or others acting under the United States, and all persons in possession of such public stores or medicines, are hereby required to deliver the same to the said purveyor, or his order, upon demand.

A report from the board of war was read: Whereupon, Congress came to the following resolution:

Whereas, by the late arrangement of the army, there is a supernumerary officer allowed to each regiment, to reside in the state to which such regiment belongs, for the purpose of transacting all necessary business for the regiment; therefore,

*Resolved*, That the resolution of the 4th September, 1778, allowing officers three dollars a day for expenses on business not incidental to their offices, be, and is hereby repealed, from and after the first day of March next.

Congress took into consideration the report of the committee of the whole,

and the first resolution being read, "that it be recommended to the several states as indispensably necessary, that they pass laws, granting to Congress, for the use of the United States, &c. a duty of five per cent. on goods, &c. imported," &c.

A motion was made by Mr. Burke, seconded by Mr. Matthews, to strike out the words "pass laws granting to," and in lieu thereof, insert "vest a power in," and after the word "Congress," to insert the words "to levy;" and on the question, shall the words moved to be struck out stand? the yeas and nays were required by Mr. Burke, and the states being equally divided, the words were struck out.

FRIDAY, *February 2, 1781.*

The board of war, to whom was referred the letter of captain Paschki, delivered in a report; Whereupon,

*Resolved*, That captain Paschki, late of the American army, be informed that the request contained in his letter of the 22d inst. to be allowed depreciation and half-pay cannot be complied with.

On the application of Mr. Sullivan, a delegate for the state of New-Hampshire,

*Ordered*, That the board of war advance to John Nesmith, so much money as they may judge reasonable and necessary, to enable him to return home; and make report to the board of treasury of the sum so advanced, that the same may be charged to the state of New-Hampshire, which is to be accountable.

The delegates of Pennsylvania laid before Congress a letter of this day to them, from the president of the supreme executive council of Pennsylvania, enclosing a copy of a letter from the same to major-general St. Clair, which were read; Whereupon,

*Ordered*, That the president inform the supreme executive council of Pennsylvania, that Congress have not been insensible of the sufferings of the army for want of pay: that on the 15th of last month they did, in the most earnest manner, apply to the respective states, from Pennsylvania to New-Hampshire, both inclusive, for a sum of money for the immediate pay of the army composed of the line of those states: that the whole line is equally the object of the care and attention of Congress: that as soon as the circumstances of the public treasury will admit, the just claims of the army shall be satisfied; but that Congress cannot, in any circumstance, make a distinction between the troops of any one state and those of another.

On motion of Mr. Wolcott,

*Resolved*, That he be excused from any further attendance at the board of treasury.

SATURDAY, *February 3, 1781.*

Mr. Thomas Smith, a delegate for the state of Pennsylvania, attended, and took his seat.

A report from the board of war was read; Whereupon,

*Resolved*, That it be recommended to the supreme executive of the state of Pennsylvania, to call out to do duty in the city of Philadelphia for thirty days, if not sooner discharged, 100 rank and file of the militia, properly officered.

The order of the day was called for, when a motion was made by Mr. Witherspoon, seconded by Mr. Burke,

That it is indispensably necessary that the United States in Congress assembled, should be vested with a right of superintending the commercial regulations of every state, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the exclusive right of laying duties upon all imported articles, no restriction to

be valid, and no such duty to be laid, but with the consent of nine states. Provided, that all duties and imposts laid by the United States in Congress assembled, shall always be a certain proportion of the value of the article or articles on which the same shall be laid; and the same article shall bear the same duty and impost throughout the said states without exemption: and provided that all such duties and imposts shall be for the perfecting of certain specified purposes, which purposes being perfected, the said duties and imposts so appropriated, shall cease: provided also, that the United States in Congress assembled, shall not be empowered to appropriate any duties or imposts for perpetual annuities, or other perpetual or indefinite interests, or for annuities for more than three lives at the same time in being, or for a longer term than            years.

On the question to agree to this; the yeas and nays being required by Mr. Matthews, it passed in the negative.

Congress resumed the consideration of the report of the committee of the whole:

And on the question to insert the words, moved to be inserted; the yeas and nays were required: and it was resolved in the affirmative.

The report of the committee of the whole, being amended, was agreed to as follows:

*Resolved*, That it be recommended to the several states, as indispensably necessary, that they vest a power in Congress, to levy for the use of the United States, a duty of five per cent. *ad valorem*, at the time and place of importation, upon all goods, wares and merchandises of foreign growth and manufactures, which may be imported into any of the said states from any foreign port, island or plantation, after the first day of May, 1781; except arms, ammunition, clothing and other articles imported on account of the United States, or any of them; and except wool-cards and cotton-cards, and wire for making them; and also, except salt, during the war:

Also, a like duty of five per cent. on all prizes and prize goods, condemned in the court of admiralty of any of these states as lawful prize:

That the monies arising from the said duties, be appropriated to the discharge of the principal and interest of the debts already contracted, or which may be contracted, on the faith of the United States, for supporting the present war:

That the said duties be continued until the said debts shall be fully and finally discharged.

#### MONDAY, February 5, 1781.

A letter, of 31st of January, from general Washington, enclosing a letter of the 27th, from major-general Howe; and one of the 25th of January, from major-general Parsons, were read:

*Ordered*, That the letter of major-general Parsons, with the papers enclosed, relative to his successful enterprize against the enemy's post at Morisania, with so much of the general's letter as relates thereto, be referred to the committee of intelligence; and that the commander in chief return the thanks of Congress to major-general Parsons, and the officers and men under his command; and inform him that Congress have directed this publication to be made in testimony of their approbation of his judicious arrangements, and of the spirit and military conduct displayed by the officers and men employed under him on the occasion.

On motion of the medical committee,

*Ordered*, That the medical committee give the directions necessary for establishing a hospital in Virginia, and providing for the same; and also for removing the sick from the new gaol in this city, to some proper place to be provided as a hospital for prisoners.



The committee, to whom was referred the letter of 20th November last, from the president of the state of New-Hampshire, report,

That with respect to the case of Mons. de la Tour, a French subject, residing in New-Hampshire, stated to Congress by president Weare, the committee are of opinion, that the tax on his stock in trade, of which he complains, being common to the citizens of that state, and no wise incompatible with his character as a French subject, is liable to no objection, unless such effects be included in his computed stock as lie out of that state, to which distinction careful attention ought to be paid.

*Resolved*, That Congress agree to the said report.

The committee having reported farther on the subject :

*Ordered*, That the consideration of the remainder be postponed.

### TUESDAY, February 6, 1781.

On motion of Mr. Bland,

*Resolved*, That Thomas Bond, jun. purveyor to the general hospital, be, and hereby is, authorized to settle the accounts for salaries, and pay the officers of the hospital established in Virginia, under the direction of Dr. Gould, which have accrued since the new arrangement of the medical department ; and that Dr. W. Rickman, late deputy director, settle and return the accounts of salaries due the officers of the said hospitals, prior to that date, to the present purveyor.

A memorial of J. Henderson, agent of O. Pollock, was read ; Whereupon, Congress took into consideration the report of the committee of commerce on the memorial of J. Henderson, respecting the accounts of O. Pollock ; and, thereupon,

*Ordered*, That the treasury board pass \$7,836 dollars, specie, to the credit of O. Pollock, agent of the United States at New-Orleans, as a debt due to him from the said states, on which an interest of six per cent. is to be allowed him until payment shall be made.

The board of treasury, to whom was re-committed their report, respecting the drawing of the fourth class of the United States' lottery, delivered in another report ; Whereupon,

*Resolved*, That the managers of the United States' lottery, forthwith prepare for drawing the fourth class of the said lottery ; that they draw the blanks and prizes, and begin the drawing on the 1st Monday in April next, under the direction of the board of treasury ; and that the tickets then remaining unrenewed by the adventurers in the third class, conformable to the resolution of the 18th day of November, 1776, be on account of the United States and not disposed of.

### WEDNESDAY, February 7, 1781.

Whereas the events of the war may prevent the legislatures of some of these states from assembling in time to consider the act of Congress of the 3d, and consent to the vesting in Congress the power to levy the duties mentioned in the said act, so as to enable Congress to apply the said duties for the important purposes for which the said duties are designed ; and whereas there is no reason to apprehend that such states as may be so circumstanced, will refuse to concur in a measure calculated for the general defence, so soon as their legislatures shall be enabled to meet and deliberate :

*Resolved*, That so soon as all the states, whose legislatures shall and may assemble, shall consent to the vesting in Congress the power of levying the duties in the act aforesaid specified, Congress will proceed to the execution of the said powers ; and the revenues arising from the said duties, shall be carried to the general credit of all the states which shall consent or accede thereto, in the first session of their respective legislatures, which shall be

held after the said act shall have reached the executive powers of the states respectively.

*Ordered*, That the foregoing resolution, together with the act of the 3d, be transmitted with all convenient despatch to the several states; and that, in the letter accompanying the same, the president urge upon the several executives the necessity of immediately calling the assemblies, if not already convened, for the purpose of vesting Congress with the power mentioned in the said act.

The committee to whom was re-committed that part of their report on a plan for the arrangement of the civil executive departments of the United States, delivered in another report.

Congress then resumed the consideration of the plan for the arrangement of the civil executive departments of the United States; and thereupon,

*Resolved*, That there be a superintendent of finance, a secretary at war, and a secretary of marine:

That it shall be the duty of the superintendent of finance, to examine into the state of the public debts, the public expenditures, and the public revenue; to digest and report plans for improving and regulating the finances, and for establishing order and economy in the expenditure of the public money; to direct the execution of all plans which shall be adopted by Congress respecting revenue and expenditure; to superintend and control the settlement of all public accounts; to direct and control all persons employed in procuring supplies for the public service, and in the expenditure of public money; to obtain accounts of all the issues of the specific supplies furnished by the several states; to compel the payment of all moneys due to the United States, and in his official character, or in such manner as the laws of the respective states shall direct, to prosecute in behalf of the United States, for all delinquencies respecting the public revenue and expenditures; to report to Congress the officers who shall be necessary for assisting him in the various branches of his department.

That the powers and duty of the secretary at war shall be as follows:

To examine into the present state of the war-office, the returns and present state of the troops, ordnance, arms, ammunition, clothing, and supplies of the armies of these United States, and report the same to Congress; to obtain and keep exact and regular returns of all the forces of the United States, and of all the military stores, equipments, and supplies in the magazines of the United States, or in other places for their use; to take the immediate care of such as are not in actual service; to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the superintendent of finance, that he may take measures for procuring the same in such manner as may best suit the finances of these states; to prepare estimates for paying and recruiting the armies of these United States, and lay them before the superintendent of finance, so seasonably as to enable him to make provision without delay or derangement; to execute all the resolutions of Congress respecting military preparations, and transmit all orders and resolutions relative to the military land forces of these United States; to make out, seal, and countersign all military commissions, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers necessary for assisting him in the business of his department.

*Resolved*, That it shall be the duty of the secretary of marine, to examine into and report to Congress the present state of the navy, a register of the officers in and out of command, and the dates of their respective commissions; and an account of all the naval and other stores belonging to that department; to form estimates of all pay, equipments and supplies necessary for the navy; and from time to time to report such estimates to the superin-

tendent of finance, that he may take measures for providing for the expenses, in such manner as may best suit the condition of the public treasury ; to superintend and direct the execution of all resolutions of Congress respecting naval preparations : to make out, seal and countersign all marine commissions, keep registers thereof, and publish annually a list of all appointments ; to report to Congress the officers and agents necessary to assist him in the business of his department ; and in general to execute all the duties and powers specified in the act of Congress constituting the board of admiralty.

**THURSDAY, February 8, 1781.**

A letter, of the 24th of January, from major-gen. Greene, with sundry papers enclosed, giving an account of a signal and complete victory gained by brigadier-gen. Morgan, on the 17th of January, over a detachment of the British army under the command of lieutenant-col. Tarleton ;

Also, another letter from major-gen. Greene, of the 23d, and a letter of January 9th, from the same, with sundry papers enclosed, were read :

*Ordered*, That the same be referred to a committee of three : the members, Mr. Burke, Mr. Varnum, Mr. Bee.

An authentic copy of a letter from brigadier-gen. Moultrie to lieutenant-colonel Balfour, dated Christ Church parish, October 16th, 1780, and colonel Balfour's answer, were read :

*Ordered*, That copies thereof be transmitted to the ministers of these United States at the courts of Europe ; and that the letter be referred to the committee aforesaid.

**FRIDAY, February 9, 1781.**

*Resolved*, That the salary of the superintendent of finance be 6000 dollars per annum :

That the salary of the secretary at war be 5000 dollars per annum ; and

That the salary of the secretary of marine be 5000 dollars per annum.

On motion of Mr. Bland, seconded by Mr. Sullivan,

*Ordered*, That the board of treasury immediately lay before Congress an exact state of the returns from all the respective loan-offices, specifying the old emissions brought in to be destroyed, and the new emissions retained, subject to the orders of Congress ; also, a state of the taxes paid in by the respective states, and that they make such report to Congress on the first Monday of every month in future.

**SATURDAY, February 10, 1781.**

Congress was resolved into a committee of the whole, to consider farther the report on finance, and after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the report on finance, but not having come to a conclusion, desire leave to sit again.

*Ordered*, That on Monday next Congress be resolved into a committee of the whole, to consider farther the reports on finance.

**MONDAY, February 12, 1781.**

Mr. Daniel Carroll, a delegate for the state of Maryland, attended and produced the credentials of his appointment, which were read.

The delegates for Maryland laid before Congress a certified copy of an act of the legislature of that state, which was read, as follows :

“ An act to empower the delegates of this state in Congress to subscribe and ratify the articles of confederation.

“ Whereas it hath been said that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the

Sister states may be dissolved ; and therefore prosecutes the war in expectation of an event so disgraceful to America ; and our friends and illustriously are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation : this general assembly, conscious that this state hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this state to continue her exertions to the utmost, agreeable to the faith pledged in the union ; from an earnest desire to conciliate the affection of the sister states ; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his most Christian majesty, and to destroy forever any apprehension of our friends, or hope in our enemies, of this state being again united to Great-Britain.

“ Be it enacted by the general assembly of Maryland, that the delegates of this state in Congress, or any two or three of them, shall be, and are hereby, empowered and required, on behalf of this state, to subscribe the articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, signed in the general Congress of the said states by the hon. Henry Laurens, esq. their then president, and laid before the legislature of this state to be ratified if approved. And that the said articles of confederation and perpetual union, so as aforesaid subscribed, shall henceforth be ratified and become conclusive as to this state, and obligatory thereon. And it is hereby declared, that, by acceding to the said confederation, this state doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country ; but claims the same as fully as was done by the legislature of this state, in their declaration, which stands entered on the journals of Congress ; this state relying on the justice of the several states hereafter, as to the said claim made by this state.

And it is further declared, that no article in the said confederation, can or ought to bind this or any other state, to guarantee any exclusive claim of any particular state, to the soil of the said back lands, or any such claim of jurisdiction over the said lands or the inhabitants thereof.

By the House of Delegates, January 30th, 1781, read and assented to,  
By order, F. GREEN, *Clerk*.

By the Senate, February 2d, 1781. Read and assented to.  
By order, JAS. MACCUBBIN, *Clerk*.

THO. S. LEE. (L. S.)”

Congress was resolved into a committee of the whole, and after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance, and made some progress, but not having come to a conclusion, desire leave to sit again :

*Ordered*, That to-morrow Congress be again resolved into a committee of the whole, to consider further the reports on finance.

### WEDNESDAY, February 14, 1781.

The board of war, to whom was referred the letter of the 7th from B. Stoddert, secretary of the board of war, praying for leave to resign, delivered in a report ; Whereupon,

*Resolved*, That his resignation be accepted.

*Ordered*, That the remainder of the report be postponed.

### THURSDAY, February 15, 1781.

The committee, appointed to consider the letter of December 22d, 1780, from the governor of Massachusetts, delivered in a report ; Whereupon,

*Resolved*, That the president inform the governor of Massachusetts, that Congress, sensible of the importance of supporting the eastern Indian department, under the superintendence of colonel John Allan, approve of the care of the executive of Massachusetts, in making, from time to time, the necessary provision for the same; and they are requested to continue such supplies, and charge the same to the United States: and it is further resolved, that the governor and council of Massachusetts be, and hereby are empowered to complete the company of artillery, at the post of Machias, to a number not exceeding sixty-five, including such officers as they shall judge necessary, for the further security and defence thereof; the said company to be under the command of colonel John Allan, and to be raised, clothed, paid and subsisted as continental soldiers, at the expense of the United States.

*Resolved*, That Joseph Howell, jun. one of the auditors of accounts for the main army, be, and he hereby is authorized to open his office in Philadelphia, for the purpose of settling the accounts that may properly come before him, as one of the auditors of accounts for the main army; and that he proceed particularly in the settlement of the accounts of the officers and pay-masters of the Pennsylvania line, or other accounts proper to be settled by him, under the direction of the board of treasury, subject to be removed to the main army so soon as it shall appear necessary.

Congress resumed the consideration of the letters from W. Carmichael, &c. when the draught of a letter to Mr. Jay, which the delegates of Virginia had moved in pursuance of instructions from their constituents, was debated and agreed to.

#### FRIDAY, *February* 16, 1781.

On motion of Mr. Varnum, seconded by Mr. M'Dougall,

*Resolved*, That no member speak twice upon any question in debate, until every member who chooses, shall have spoken once upon the same.

Congress was resolved into a committee of the whole; and, after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance, but not having come to a conclusion, desire leave to sit again:

*Ordered*, That to-morrow Congress be resolved into a committee of the whole, to consider farther the reports on finance.

On motion of the committee of commerce,

*Resolved*, That the committee of commerce be, and hereby are authorized to employ a suitable person to arrange the accounts of the said committee.

#### SATURDAY, *February* 17, 1781.

A report from the board of war was read; Whereupon,

*Resolved*, That Joseph Carleton be, and he is hereby appointed secretary of the board of war, in the room of Benjamin Stoddert resigned, until the further order of Congress.

A report from the board of war was read; Whereupon,

*Resolved*, That the principal superintendent of bakers, in the army of the United States, receive, in bills of the new emissions, 50 dollars per month, and two rations a day, and forage for one horse:

That the superintendent of bakers make regular monthly returns to the commissary-general of issues; and that he receive monies, from time to time, by warrants from the commander in chief, out of the military-chest, for payment of wages, and carrying on the business of his department:

That Mr. Christopher Ludwick, who has acted with great industry and integrity in the character of principal superintendent of bakers, be, and is hereby continued in that employment; and that he be empowered to hire or inlist any number of bakers, not exceeding 30, on such terms as the board of war shall think proper:



That Mr. Christopher Ludwick receive, as a compensation for all past services, 1000 dollars, in bills of the new emission.

**MONDAY, February 19, 1781.**

A motion was made by Mr. Bee, seconded by Mr. Varnum,

That captain John P. Jones, lately arrived from France, be directed to attend Congress on Monday next, to lay before them every information in his power, relative to the detention of the clothing and arms belonging to these United States, in France: and that the doors of Congress be open during such examination:

After debate, a motion was made by Mr. Adams, seconded by Mr. Sharpe, That the farther consideration thereof be postponed.

On which the yeas and nays were required; and it passed in the affirmative.

**TUESDAY, February 20, 1781.**

Mr. M. Smith, a delegate for Virginia, attended, and took his seat in Congress,

On the report of a committee, consisting of Mr. Adams, Mr. M'Dougall, Mr. Montgomery, Mr. Sullivan, Mr. Madison and Mr. Burke, appointed to confer with colonel B. Harrison:

*Resolved*, That the southern army be composed of all the regular troops, from Pennsylvania to Georgia, inclusive; except Moylan's dragoons, and those on command on the western frontiers; and that the commander in chief be, and hereby is directed to order the troops of the Pennsylvania line, except as above, to join the army in Virginia, by detachments, as they may be in readiness to march:

That the deputy quarter-master in Pennsylvania be, and he is hereby directed to put the wagons belonging to the Pennsylvania line, in order for service immediately:

That the several states southward of Pennsylvania be, and hereby are required to furnish their respective quotas of supplies to the southern army, timely and regularly:

That the states aforesaid, and the state of Pennsylvania be, and hereby are required to complete their respective quotas of troops, and forward them to join the southern army without loss of time.

*Resolved*, That 400 wagons be procured and furnished for the southern army.

*Resolved*, That the board of war be, and hereby are directed to furnish the southern army with 10,000 suits of clothes, complete: 860 tents, 5000 muskets, with bayonets and cartouch-boxes; 8000 knapsacks, 6000 havresacks, 8000 canteens, 700 camp-kettles, 8000 blankets, 10 tons of musket powder, 5 tons of cannon powder, and 20 tons of lead.

That the board of war furnish the artillery and cavalry with the necessary ammunition and equipments not comprised in the foregoing resolutions: and that they employ a sufficient number of artificers to repair the arms in the magazines of Virginia and other places.

*Resolved*, That for purchasing the foregoing articles the board of war be, and hereby are authorized and directed to contract for payment in specie, other money equivalent, payable in six months with interest; and that bills of exchange, on the minister of these United States at the court of Versailles, be prepared immediately, and deposited with the board of war, to be by them delivered to the persons so contracting, to the amount of such contracts, at the expiration of the said term, unless they shall have monies at that time to fulfil the said contracts.

*Resolved*, That it be, and hereby is recommended to the executives of the states of Delaware, Maryland, Virginia and North-Carolina, to agree upon

and settle an arrangement for supplying the southern army with provisions from the states most contiguous, and for replacing the same with provisions from those that are more remote; and to establish such mode of transportation as will be most convenient and least expensive to the whole.

Congress proceeded to the election of a superintendent of finance; and the ballots being taken, Robert Morris, esq. was unanimously elected, having been previously nominated by Mr. Floyd.

**WEDNESDAY, February 21, 1781.**

*Resolved*, That captain O'Neil be considered as retiring from service under the resolution of Congress of the 24th day of November, 1778, and be entitled to one year's pay in bills emitted pursuant to the resolution of the 18th of March, 1780.

A report from the board of war, on the memorial of Preserved Clap, was read; Whereupon,

*Resolved*, That the supreme executive of the state of Massachusetts examine into the merit and services of Preserved Clap, and order payment on the account of the United States, for such sum as they think he may justly deserve; provided it shall not exceed 1000 dolls. in bills of the new emissions:

That Preserved Clap be informed, that Congress cannot employ him in public service, consistent with their arrangements.

**THURSDAY, February 22, 1781.**

Mr. Hanson, a delegate for Maryland, attended, and took his seat in Congress.

The delegates of Maryland having taken their seats in Congress with powers to sign the articles of confederation:

*Ordered*, That Thursday next be assigned for completing the confederation; and that a committee of three be appointed, to consider and report a mode for announcing the same to the public: the members, Mr. Walton, Mr. Madison, Mr. Matthews.

Congress took into consideration the report of the committee on the memorial of R. Peters, T. Pickering and W. Grayson; and, thereupon,

*Resolved*, That the salaries of the respective commissioners of the board of war, be established agreeably to the resolution of the 17th of October, 1777, the act of the 13th September last notwithstanding; and that their several accounts for services since the first mentioned date, be adjusted accordingly.

**FRIDAY, February 23, 1781.**

On a report of the board of treasury:

*Ordered*, That bills of exchange, of the following denominations, be forthwith struck, under the direction of the board of treasury, for the payment of interest to such holders of loan-office certificates as may be entitled to receive it in such bills, viz.

1000 sets of 12 dollars, at five livres tournois per dollar; 1500 sets of 18 dollars, at do.; 1000 sets of 24 dollars, at do.; 3000 sets of 30 dollars, at do.; 3000 sets of 36 dollars, at do.; 500 sets of 60 dollars, at do.; 100 sets of 300 dollars, at do.

That the said bills be drawn conformable to the resolutions of Congress of the 12th of May and 11th of July, 1778.

On report of a committee, consisting of Mr. Carroll, Mr. Sullivan, and Mr. Matthews, to whom was referred a letter of the 19th, from lieutenant-col. Uriah Forrest:

*Resolved*, That the resignation of lieutenant-col. Forrest, of the Maryland line, be accepted, and that he be entitled to all the emoluments of the resolutions of the 10th of April and the 21st of October last, except half pay:

That the state of Maryland be, and hereby is, requested to advance to lieutenant-col. Forrest, on account of the United States, a sum equal to seven years half pay of a lieutenant-colonel, in lieu of the half pay he would otherwise be entitled to during his natural life.

SATURDAY, *February 24, 1781.*

*Resolved*, That the postage of letters, in future, be double the sums paid before the commencement of the present war.

On the report of the committee appointed to report the mode of announcing the final ratification of the articles of confederation :

*Resolved*, That on Thursday next, at twelve o'clock, the final ratification of the confederation of the United States of America, be announced to the public ; and that the board of war and board of admiralty take order accordingly :

That this important event be communicated to the executives of the several states :

That the several ministers of these states in Europe be informed of the complete and final ratification of the said confederation ; and that they be ordered to notify the same to the respective courts at which they reside :

That it be also notified to the hon. the minister plenipotentiary of France :

That information of the completion of the said confederation be transmitted to the commander in chief, and that he be directed to announce the same to the army under his command.

On report of the committee appointed to confer with col. B. Harrison,

*Resolved*, That the convention prisoners, now in Virginia, be removed to some state more northerly, and that the board of war have them immediately put in motion for that purpose, and continue their march by the way of Noland's ferry, until the further order of Congress.

MONDAY, *February 26, 1781.*

Mr. Thomas M'Kean, a delegate for the state of Delaware, attended and produced the credentials of the delegates of that state, which were read.

Congress took into consideration a report from the board of war, on a memorial of col. R. Gridley ; and thereupon,

*Resolved*, That it be recommended to the state of Massachusetts to make up to Richard Gridley the depreciation of his pay as engineer at 60 dollars per month, from the time of his appointment to the 1st day of January, 1781, in like manner with other officers in the continental service, and charge the same to the United States :

That from and after the said first day of January, 1781, colonel Gridley be considered as a retiring officer, and be entitled to receive from the United States 444 2-5ths dollars per annum, in bills of the new emission, in virtue of the resolutions of Congress of the 17th November, 1775, on the subject of his indemnification for any losses he might sustain by entering into the service of the United States.

On a report from the board of war,

*Resolved*, That Elijah Weed be, and he is hereby, appointed keeper of the state-prison in Philadelphia, in the room of Robert Jewell, deceased.

TUESDAY, *February 27, 1781.*

Mr. Rodney, a delegate for the state of Delaware, attended and took his seat in Congress.

On report of a committee, consisting of Mr. Sharpe, Mr. M'Dougall, and Mr. Sullivan, to whom was referred a letter of 30th of May, from Mons. de Sartine,

*Resolved*, That Congress entertain a high sense of the distinguished brave-

ry and military conduct of John Paul Jones, esq. captain in the navy of the United States, and particularly in his victory over the British ship of war *Serapis*, on the coast of England, which was attended with circumstances so brilliant as to excite general applause and admiration :

That the minister plenipotentiary of these United States at the court of Versailles communicate to his most Christian majesty the high satisfaction Congress have received from the information of Mons. de Sartine, that the conduct and gallant behaviour of captain John Paul Jones have merited the attention and approbation of his most Christian majesty ; and that his majesty's offer of adorning capt. Jones with the cross of military merit, is highly acceptable to Congress.

According to the order of the day, Congress proceeded to the election of a secretary of marine ; and the ballots being taken, major-general Alexander M'Dougall was elected.

*Ordered*, That the election of the other secretaries be postponed.

### WEDNESDAY, *February 28*, 1781.

On report of a committee, consisting of Mr. Varnum, Mr. Bee, and Mr. Atlee, to whom was referred a motion of Mr. Bee,

*Ordered*, That warrants issue in favor of John Pierce, pay-master general, upon the loan-offices of the undermentioned states in the following proportions, in bills of the new emission, arising from the four-tenths of the ten millions issued in pursuance of the act of the 18th of March last, and that the same be applied to the paying of the lines of the said states, viz.

On the commissioner of the continental loan-office of

New-Hampshire,	-	\$ 51,726	New-York,	-	\$ 77,589
Massachusetts,	-	284,293	New-Jersey,	-	51,726
Rhode-Island,	-	25,863	Pennsylvania,	-	232,767
Connecticut,	-	155,178			

Of which, 15,100 to be paid immediately, in preference to any former warrants, for which several sums the said J. Pierce, pay-master general, is to be accountable.

A motion was made by Mr. Burke, seconded by Mr. Howly,

That the election of a secretary at war be postponed to the 1st day of October next.

On the question to agree to this, the yeas and nays were required : and, it was resolved in the affirmative.

*Resolved*, That the commissioners of the board of war proceed upon the duties of that department, with all the powers and authorities, expressed in the act of the 7th of the present month, ascertaining the duties of the secretary at war, until the further order of Congress ; any former resolution to the contrary notwithstanding.

### THURSDAY, *March 1*, 1781.

A representation from the delegates of the state of New-Hampshire, and the state of Rhode-Island, was laid before Congress, and read.

In pursuance of the act of the legislature of the state of New-York read in Congress the 7th of March, 1780, entitled, " An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," and which is in the words following :

" Whereas nothing under Divine Providence, can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance, on such liberal principles, as will give satisfaction to its respective members ; and whereas the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America have not proved acceptable to all the states ; it having been con-

ceived, that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war; and the people of this state of New-York being on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security; and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment:

“Be it therefore enacted, by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the delegates of this state, in the honorable the Congress of the United States of America, or the major part of such of them as shall be assembled in Congress; and they the said delegates, or the major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this state in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished, with respect only to the right of pre-emption of the soil.

“And be it further enacted by the authority aforesaid, that the territory which may be ceded or relinquished, by virtue of this act, either with respect to the jurisdiction as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever.

“And be it further enacted by the authority aforesaid, that all the lands to be ceded and relinquished, by virtue of this act, for the benefit of the United States, with respect to property; but which shall nevertheless remain under the jurisdiction of this state, shall be disposed of and appropriated in such manner only, as the Congress of the said states shall direct; and that a warrant under the authority of Congress, for surveying and laying out any part thereof, shall entitle the party in whose favor it shall issue to cause the same to be surveyed and laid out, and returned according to the directions of such warrant, and thereupon letters patent under the great seal of this state shall pass to the grantee for the estate specified in the said warrant, for which no other fee or reward shall be demanded or received, than such as shall be allowed by Congress.

“Provided always, and be it further enacted by the authority aforesaid, that the trust reposed, by virtue of this act, shall not be executed by the delegates of this state, unless at least three of the said delegates shall be present in Congress.”

“*State of New-York, ss.*—I do hereby certify, that the foregoing is a true copy of the original act, passed the 19th of February, 1780, and lodged in the secretary’s office. **ROBERT HARPUR, Dep. Sec’y of State.**”

The delegates for the state of New-York executed in Congress the following act or declaration, to wit:

“To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M’Dougall, the underwritten delegates for the state of New-York in the honorable Congress of the United States of America, send greeting:

“Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the state of Virginia, that the United States should guarantee to that state the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the state of New-York, as a member of the federal union, should



be compelled to guarantee the territories which shall be reserved by other states making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner: wherefore, the said delegates for the state of New-York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the state of New-York, now to be made by them in behalf of the people of the said state, shall not be absolute; but on the contrary, shall be subject to ratification or disavowal by the people of the said state, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said state, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other states shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the state of New-York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the articles of confederation. In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE, (L. S.)  
WM. FLOYD, (L. S.)  
ALEXANDER M'DOUGALL, (L. S.)"

Sealed and delivered in the presence of

CHARLES THOMSON,  
CHARLES MORSE,  
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form in behalf of their state, the following instrument, viz.

"To all who shall see these presents, we, James Duane, William Floyd and Alexander M Dougall, the underwritten delegates for the state of New-York in the honorable Congress of the United States of America, send greeting:

"Whereas by an act of the legislature of the said state of New-York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America;" it is declared, that the people of the state of New-York, were on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states; and it is thereby enacted by the people of the said state of New-York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said state in the honorable Congress, and they or the major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of that state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said state in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil: and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with res-

pect to the jurisdiction, as well as the right of pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever: and by the said act it is provided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said state, unless at least three of the said delegates shall be present in Congress: and whereas, by letters patent, under the great seal of the said state of New-York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said state in the Congress of the United States of North America, therefore in pursuance of the said nomination and appointment, the people of the said state of New-York, did thereby commission us, the said James Duane, William Floyd and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should in such case, be authorized to represent the said state in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears.

"Now therefore know ye, that we, the said James Duane, William Floyd and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us as aforesaid, have judged it expedient to limit and restrict, and we do by these presents, for and in behalf of the said state of New-York, limit and restrict the boundaries of the said state in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof to its north-west corner continued, due west until it shall be intersected by a meridian line, to be drawn from the 45th degree of north latitude, through the most westerly bent or inclination of lake Ontario; thence by the said meridian line to the 45th degree of north latitude; and thence by the said 45th degree of north latitude: but if on experiment, the above described meridian line shall not comprehend 20 miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said state in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say; a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof, to its north-west corner, continued due west until it shall be intersected by a meridian line to be drawn from the 45th degree of north latitude, through a point 20 miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the 45th degree of north latitude, and thence by the said 45th degree of north latitude: And we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the states as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction and claim, of the said state of New-York, to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of, and

appropriated in such manner only, as the Congress of the said United or Confederated States shall order and direct.

"In testimony whereof we have hereunto subscribed our names, and affixed our seals in Congress, the 1st day of March, in the year of our Lord 1781, and of our independence the 5th.

Signed

JAMES DUANE, (L. S.)  
WILLIAM FLOYD, (L. S.)  
ALEXANDER M'DOUGALL, (L. S.)"

Sealed and delivered in the presence of

CHARLES THOMSON,  
CHARLES MORSE,  
EBENEZER SMITH.

According to the order of the day, the hon. John Hanson and Daniel Carroll, two of the delegates for the state of Maryland, in pursuance of the act of the legislature of that state, entitled "An act to empower the delegates of this state in Congress to subscribe and ratify the articles of confederation," which was read in Congress on the 12th of February last, and a copy thereof entered on the minutes, did, in behalf of the said state of Maryland, sign and ratify the said articles, by which act the confederation of the United States of America was completed, each and every of the Thirteen United States, from New-Hampshire to Georgia, both included, having adopted and confirmed, and by their delegates in Congress, ratified the same, as follows:

To all to whom these presents shall come, we the undersigned delegates of the states affixed to our names, send greeting:

Whereas the delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the words following, viz.

Articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

*Article 1.* The stile of this confederacy shall be the United States of America.

*Art. 2.* Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

*Art. 3.* The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

*Art. 4.* The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, (paupers, vagabonds, and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided, also, that no imposition, duties or restriction, shall be laid by any state on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

*Art. 5.* For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recal its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to, and from, and attendance on, Congress, except for treason, felony or breach of the peace.

Article 6. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty, with any king, prince or state: nor shall any person holding any office of profit or trust under the United States or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state, nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or

shall have certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled, shall determine otherwise.

Article 7. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

Article 8. All charges of war and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall, from time to time, direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

Article 9. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed judge of any of the said courts.

The United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such per-



sons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner before he sits in judgment shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward;" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated; establishing or regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces and directing their operations.

The United States in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a committee of the states," and to consist of one delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defray-

ing the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled : But, if the United States in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same : in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled, shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them ; nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same ; nor shall a question on any other point, except for adjourning from day to day, be determined unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate ; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Article 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with ; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite.

Article 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union : but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

Article 12. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satis-

faction whereof the said United States and the public faith are hereby solemnly pledged.

Article 13. Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation is submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state."

And whereas it hath pleased the Great Governor of the world to incline the hearts of the legislatures, we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union: Know ye, that we, the undersigned delegates, by virtue of the power and authority, to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm, each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight, and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof, shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the 3d year of the Independence of America.

Josiah Bartlett,	John Wentworth, jun. August 8th, 1778,	} On the part and behalf of the state of New-Hampshire.
John Hancock, Samuel Adams, Elbridge Gerry,	Francis Dana, James Lovell, Samuel Holten,	} On the part and behalf of the state of Massachusetts-Bay.
William Ellery, Henry Marchant,	John Collins,	} On the part and behalf of the state of Rhode-Island and Pro vidence Plantations.
Roger Sherman, Samuel Huntington, Oliver Wolcott,	Titus Hosmer, Andrew Adams,	} On the part and behalf of the state of Connecticut.
James Duane, Francis Lewis,	William Duer, Gouverneur Morris,	} On the part and behalf of the state of New-York.
John Witherspoon,	Nathaniel Scudder,	} On the part and behalf of the state of New-Jersey, Novem- ber 26th, 1778.
Robert Morris, Daniel Roberdeau, Jno. Bayard Smith,	William Clingan, Joseph Reed, 22d July, 1778,	} On the part and behalf of the state of Pennsylvania.
Th. McKean, Feb. 12, 1779, J. Dickinson, May 5, 1779,	Nicholas Van Dyke,	} On the part and behalf of the state of Delaware.
John Hanson, March 1st, 1781,	Daniel Carroll, March 1st, 1781,	} On the part and behalf of the state of Maryland.
Richard Henry Lee, John Banister, Thomas Adams,	John Harvie, Francis Lightfoot Lee,	} On the part and behalf of the state of Virginia.
John Penn, July 21st, 1778,	Cornelius Harnett, Jonathan Williams,	} On the part and behalf of the state of North-Carolina.
Henry Laurens, William Henry Drayton, Jonathan Matthews,	Richard Hutson, Thomas Heyward, jun.	} On the part and behalf of the state of South-Carolina.
John Walton, 24th July, 1778,	Edward Telfair, Edward Langworthy,	} On the part and behalf of the state of Georgia.

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 THE UNITED STATES IN CONGRESS ASSEMBLED, *March 2, 1781.*


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The ratification of the articles of confederation being yesterday completed by the accession of the state of Maryland :

The United States met in Congress, when the following members appeared ;  
His excellency Samuel Huntington, delegate for Connecticut, president.

N.-Hampshire,	Mr. John Sullivan,	Maryland,	Mr. John Hanson,
Massachusetts,	Mr. Samuel Adams,		Carroll,
	James Lovell,	Virginia,	Mr. Joseph Jones,
	Artemas Ward,		James Madison,
R.-Island & Pr. Pl.	Mr. James M. Varnum,		Theodorick Bland,
Connecticut,	Mr. Jesse Root,		Meriwether Smith,
	Oliver Wolcott,	North-Carolina,	Mr. Thomas Burke,
New-York,	Mr. James Duane,		William Sharpe,
	William Floyd,		Samuel Johnson,
New-Jersey.	Mr. John Witherspoon,	South-Carolina,	Mr. John Matthews,
	Abraham Clark,		Thomas Bee,
Pennsylvania,	Mr. Samuel J. Atlee,		Isaac Motte,
	Henry Wynkoop,	Georgia,	Mr. George Walton,
	Thomas Smith,		William Few,
Delaware,	Mr. Thomas Rodney,		Richard Howly,
	Thomas M'Kean,		

CHARLES THOMSON, *Secretary.*

*Ordered,* That Mr. Varnum have leave of absence.

SATURDAY, *March 3, 1781.*

Mr. Clymer, a delegate for the state of Pennsylvania, attended, and took his seat.

The report of the committee on the letter of the 26th of February, from the board of war, respecting the removal of the convention prisoners, was taken into consideration ; and thereupon,

*Ordered,* That the convention prisoners, as well in the state of Maryland as Virginia, be removed ; the British to Yorktown, and the Germans to Lancaster, in the state of Pennsylvania ; or such other place or places within the said state as the executive thereof shall direct : and that it be, and hereby is recommended to the executive of the state of Virginia, to superintend the removal, safe keeping and supply of the Germans to Noland's Ferry, on Potomac river ; from which place it is recommended to the executive of the state of Maryland to superintend their removal, safe keeping and supply to the borders of that state, and to continue their guard to Lancaster, the state of Pennsylvania furnishing the necessary supplies ; that it be, and it is also recommended to the state of Maryland to provide a guard, and furnish the supplies for the convention prisoners to be removed from Fredericktown to Yorktown, the guard to continue on to Yorktown, but the supplies, after entering Pennsylvania, to be furnished by that state : that the executive of the state of Pennsylvania, be, and hereby is requested to order the supplies agreeably to the above resolutions, and make the necessary preparations for the reception of prisoners at the towns or places assigned as aforesaid ; and upon their arrival at those places respectively, the board of war take order for their future security and supply.

The report of the committee on the letter of the 28th of February from Dr. W. Burnet, was taken into consideration ; Whereupon,

*Ordered,* That Dr. James Craik, chief hospital physician and surgeon, be, and he is hereby appointed chief physician and surgeon of the army, in the room of Dr. J. Cochran, elected director of the hospital ; and that Monday next be assigned for electing a chief hospital physician and surgeon, in the room of Dr. Craik, removed to the army.

MONDAY, *March 5, 1781.*

A report of the board of war, on a letter from N. Barber, commissary of

military stores at Boston, was read, representing his desire to resign; Whereupon,

*Resolved*, That the resignation of Nathaniel Barber, commissary of military stores at Boston, in the state of Massachusetts, be accepted:

That Nathaniel Barber be entitled to receive a similar allowance for past services, with other officers of the like station in the department of military stores:

That it be, and hereby is recommended to the executive of the state of Massachusetts, to advance to Nathaniel Barber on account, 202 dollars, in bills of the new emission, being three months' pay, and charge the same to the United States of America.

According to the order of the day, Congress proceeded to the election of a chief physician and surgeon of the hospitals, in the room of Dr. Craik, removed to the army; and, the ballots being taken, Dr. William Burnet was elected, having been previously nominated by Mr. Witherspoon.

#### TUESDAY, *March 6*, 1781.

In pursuance of the order of the 9th of February last, the board of treasury laid before Congress "a state of the arrearages of the public taxes previous to the resolution of the 18th March, 1780, and the quotas of the respective states in consequence of that resolution;" together with a report respecting the same:

*Ordered*, That the same be referred to a committee of the whole.

On motion of Mr. Duane, seconded by Mr. Root,

*Ordered*, That the board of treasury report to the United States in Congress assembled, the commissioners of the loan-offices in the several states who have neglected to make proper returns to the board of treasury, agreeably to orders given them for that purpose.

On motion of the delegates for the state of Delaware,

*Resolved*, That Samuel Patterson, and John Thompson, esqrs. be appointed commissioners on the part of the United States of America, either of them to endorse the bills that shall be emitted by the state of Delaware, pursuant to the act of Congress of the 18th of March, 1780.

On motion of Mr. Root, seconded by Mr. Matthews,

*Ordered*, That Tuesday, Thursday, and Saturday in every week be assigned for the subject of finance, until the United States in Congress assembled, shall have come to a final decision on that subject; and that on those days the business be entered on immediately after reading the journal.

#### WEDNESDAY, *March 7*, 1781.

Whereas the board of war have represented, "that it hath been too much a practice of the commanding officers of regiments, to send their officers to this place on commands that are out of the line of their duty, which is not only expensive to the public and the officers, but appears to the board altogether unnecessary:"

*Resolved*, That the board be informed the United States in Congress assembled, highly disapprove such practice; and that the board take measures not only to discourage it in future, but that all such officers join their respective corps immediately.

A letter, of the 6th, from the board of war, was read, enclosing a letter of 20th May, 1780, from Messrs. Penet, & Co. whereby it appears that the contract entered into with them for the manufacturing of arms, is entirely at an end, from a failure on their part.

#### FRIDAY, *March 9*, 1781.

On the report of a committee, consisting of Mr. Burke, Mr. Varnum, and



Mr. Bee, to whom were referred sundry letters from major-general Greene, and brigadier-general Morgan, the following resolutions were passed :

The United States in Congress assembled, considering it as a tribute due to distinguished merit to give a public approbation of the conduct of brigadier-gen. Morgan, and of the officers and men under his command, on the 17th day of January last ; when with 80 cavalry, and 237 infantry of the troops of the United States, and 553 militia from the states of Virginia, North-Carolina, South-Carolina, and Georgia, he obtained a complete and important victory over a select and well appointed detachment of more than 1100 British troops, commanded by lieut. col. Tarleton ; do therefore resolve,

That the thanks of the United States in Congress assembled, be given to brigadier-general Morgan, and the officers and men under his command, for their fortitude and good conduct, displayed in the action at the Cowpens, in the state of South-Carolina, on the 17th of January last :

That a medal of gold be presented to brigadier-general Morgan, and a medal of silver to lieutenant-colonel Washington, of the cavalry, and one of silver to lieutenant-colonel Howard, of the infantry of the United States ; severally with emblems and mottos descriptive of the conduct of those officers respectively on that memorable day :

That a sword be presented to col. Pickens, of the militia, in testimony of his spirited conduct in the action before mentioned :

That major Edward Giles, aid-de-camp of brigadier-general Morgan, have the brevet commission of major ; and that baron de Glasbeech, who served with brigadier-general Morgan as a volunteer, have the brevet commission of captain in the army of the United States ; in consideration of their merit and services.

*Ordered*, That the commanding officer in the southern department, communicate these resolutions in general orders.

#### SATURDAY, *March* 10, 1781.

On motion of Mr. Duane, seconded by Mr. Matthews,

*Resolved*, That for the more convenient support of the household of the president of Congress, the steward lay before the board of treasury, or superintendent of finance, an estimate of the expenses of the said household once every quarter, which being approved by the treasury or superintendent of finance, a warrant shall issue, by authority of the said board, or superintendent, on the treasurer of the United States, or any one of the commissioners of the continental loan-offices, for the amount, payable to the steward of the president's household, for which advances the said steward shall account quarterly ; and the auditor-general shall half-yearly lay before Congress an account of the expenditures of the said household.

#### MONDAY, *March* 12, 1781.

A letter, of the 8th, from John Nicholson, a clerk in the chamber of accounts, was read, desiring leave to resign his office, as he is appointed one of the auditors for settling the accounts of the troops of the Pennsylvania line :

*Ordered*, That his resignation be accepted.

#### THURSDAY, *March* 15, 1781.

A letter, of the 8th, from the governor of Connecticut, was read, enclosing an act passed by the legislature of that state, vesting in Congress, for a limited time, a power to levy and collect duties and imposts within that state, for the purposes mentioned in the act of Congress of the 7th February :

*Ordered*, That the same be referred to a committee of three : the members, Mr. Volcott, Mr. Duane, and Mr. Adams.

FRIDAY, *March 16, 1781.*

A report from the board of war was read ; Whereupon,

*Ordered*, That the resignation of lieutenant George Jacob, of the 6th Maryland regiment, be accepted.

The board of war, to whom was referred a letter of 26th February, from the governor of Connecticut, delivered in a report ; Whereupon,

*Ordered*, That governor Trumbull be informed, that although the United States, in Congress assembled, would be happy, on all occasions, to comply with requests of the executive of the state of Connecticut, they cannot agree to the invalids of that state being stationed therein, consistent with the general benefit of the United States.

On motion, the house was resolved into a committee of the whole, and, after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance and other matters referred to them, and have come to sundry resolutions thereon, which he was ordered to report.

The report of the committee of the whole was read, and the same being debated, it was thereupon,

*Resolved*, That all debts now due from the United States, which have been liquidated in specie value, and all debts which have been or shall be made payable in specie, or other money equivalent, shall be actually paid, either in specie or other money equal thereto, according to the current exchange between such money and specie.

That it be and hereby is recommended to the several states to amend their laws making the bills of credit emitted under the authority of Congress a legal tender, so that such bills shall not be a tender in any other manner than at their current value compared with gold and silver.

On passing this resolution, the yeas and nays being required by Mr. Clark,

<i>N.-Hampshire,</i>	Mr. Sullivan,	ay	}	*	<i>Delaware,</i>	Mr. M'Kean,	ay	}	ay
<i>Massachusetts,</i>	Mr. Adams,	ay			<i>Maryland,</i>	Mr. Hanson,	ay		
	Lovell,	ay	}	ay	<i>Virginia,</i>	Carroll,	ay	}	ay
	Ward,	ay			<i>N.-Carolina,</i>	Mr. Jones,	ay		
<i>Connecticut,</i>	Mr. Huntington,	ay	}	ay		Bland,	ay	}	ay
	Root,	ay			<i>S. Carolina,</i>	M. Smith,	ay		
	Wolcott,	ay	<i>Georgia,</i>	Mr. Burke,	ay	}	ay		
<i>New York,</i>	Mr. Duane,	ay	}	ay				Sharpe,	ay
	Floyd,	ay			<i>Delaware,</i>	Johnson,	ay	}	ay
<i>New-Jersey,</i>	Mr. Clark,	no	}	div.	<i>Maryland,</i>	Mr. Matthews,	ay		
	Burnett,	ay			<i>Virginia,</i>	Bee,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Clymer,	ay	}	ay		Motte,	ay		
	Wynkoop,	ay			<i>N.-Carolina,</i>	Mr. Few,	ay	}	*
	T. Smith,	ay							

So it was resolved in the affirmative.

*Resolved*, That the states be immediately called upon to furnish for the public expenses and for carrying on the war, their proportion of 1,500,000 dollars quarterly, the first quarterly payment to be made on the first day of June next.

That in discharge of this requisition, as well as those made by Congress on the 26th August, the 4th November, and the 15th day of January last, the bills of credit emitted pursuant to the act of Congress of the 18th March, 1780, by what state soever emitted, shall be received at the treasury of the United States, as equal to and in lieu of the like sum of specie ; and that interest be computed thereon in favor of the states from whom such bills shall be received, to the time assigned for discharging the several requisitions respectively :

That the respective states make exact returns to the board of war by the first day of June next, of all articles by them supplied, agreeably to the act of Congress of the 25th February, 1780 :

That the United States in Congress assembled will then call upon the deficient states for the full amount of their deficiencies, in value, to be paid into the treasury of the United States by the 1st day of September, 1781.

*Ordered*, That a committee, consisting of a member from each state, be appointed to apportion the quota of the above-mentioned sum of 1,500,000 dollars, to be paid quarterly by the states: the members, Mr. Sullivan, Mr. Lovell, Mr. Varnum, Mr. Root, Mr. Floyd, Mr. Burnett, Mr. Clymer, Mr. M'Kean, Mr. Hanson, Mr. M. Smith, Mr. Burke, Mr. Bee, Mr. Few.

### MONDAY, *March 19*, 1781.

A letter, of this day, from brigadier A. Wayne, was read; Whereupon, *Resolved*, That it be and hereby is recommended to the supreme executive council of the state of Pennsylvania, to forward the march of their line in detachments, with all possible expedition, to join the southern army.

The report of the medical committee on the memorial of Dr. John Bartlett, late physician and surgeon-general of the army in the northern department, was taken into consideration; and it appearing,

That Dr. J. Bartlett, at his own request, and with the consent of the commanding officer of the department, and the deputy director and other officers thereunto belonging, left the service to which he was appointed, in a manner which clearly indicated his intention of relinquishing his office; and having received pay for all the time he spent with the army, and six months while he was at home, he cannot be entitled to any farther pay or allowance.

On the report of the board of war,

*Resolved*, That captain Bentalou be considered as retiring from service under the resolutions of the 3d and 21st October, 1780, and entitled to the emoluments arising therefrom.

The report of a committee, consisting of Mr. M'Dougall, Mr. Atlee, Mr. Sullivan, to whom were referred the report of the board of treasury, and a memorial of John Patton and others, iron masters, was taken up; and it being therein recommended,

That bills of exchange be drawn, under the direction of the board of treasury, on the minister plenipotentiary of the United States, at the court of Versailles, at six months sight, for 55,533½ dollars, at 4s. 6d. the dollar, to be paid to the board of war, to enable them to fulfil their contract for shot and shells.

On the question to agree to this, the yeas and nays being required by Mr. Burke,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	ay	<i>Maryland</i> , Mr. Hanson,	ay	ay
<i>Massachusetts</i> , Mr. Adams,	ay	ay	Carroll,	ay	ay
Lovell,	ay		<i>Virginia</i> , Mr. Jones,	ay	
Ward,	ay		Bland,	no	
<i>Connecticut</i> , Mr. Huntington,	no	no	M. Smith,	ay	ay
Root,	no		<i>N.-Carolina</i> , Mr. Burke,	no	
Wolcott,	ay		Sharpe,	ay	
<i>New-York</i> , Mr. Duane,	ay	ay	Johnson,	ay	ay
Floyd,	ay		<i>S.-Carolina</i> , Mr. Matthews,	ay	
<i>Pennsylvania</i> , Mr. Montgomery,	ay		Motte,	ay	
Clymer,	ay	ay	<i>Georgia</i> , Mr. Walton,	ay	ay
T. Smith,	ay		Howly,	ay	

### TUESDAY, *March 20*, 1781.

On report of a committee consisting of Mr. Duane, Mr. Root, Mr. Madison, appointed to prepare a recommendation to these states, to set apart a day of humiliation and prayer:

The United States in Congress assembled, agreed to the following proclamation:

At all times it is our duty to acknowledge the over-ruling Providence of

the Great Governor of the universe, and devoutly to implore his divine favour and protection. But in the hour of calamity and impending danger, when by fire and the sword, by the savages of the wilderness, and by our own domestics, a vindictive enemy pursues a war of rapine and devastation, with unrelenting fury, we are peculiarly excited, with true penitence of heart, to prostrate ourselves before our great Creator, and fervently to supplicate his gracious interposition for our deliverance.

The United States in Congress assembled, therefore do earnestly recommend, that Thursday the third of May next, may be observed as a day of humiliation, fasting and prayer, that we may, with united hearts, confess and bewail our manifold sins and transgressions, and by sincere repentance and amendment of life, appease his righteous displeasure, and through the merits of our blessed Saviour, obtain pardon and forgiveness: that it please him to inspire our rulers with incorruptible integrity, and to direct and prosper their councils: to inspire all our citizens with a fervent and disinterested love of their country, and to preserve and strengthen their union: to turn the hearts of the disaffected, or to frustrate their devices: to regard with divine compassion our friends in captivity, affliction and distress, to comfort and relieve them under their sufferings, and to change their mourning into grateful songs of triumph: that it may please him to bless our ally, and to render the connexion formed between these United States and his kingdoms a mutual and lasting benefit to both nations: to animate our officers and forces by sea and land with invincible fortitude, and to guard and protect them in the day of battle, and to crown our joint endeavours for terminating the calamities of war with victory and success: that the blessings of liberty and peace may be established on an honourable and permanent basis, and transmitted inviolate to the latest posterity: that it may please him to prosper our husbandry and commerce, and bless us with health and plenty: that it may please him to bless all schools and seminaries of learning, and to grant that truth, justice and benevolence, and pure and undefiled religion, may universally prevail.

And it is recommended to all the people of these states, to assemble for public worship, and abstain from labour on the said day.

There being no entry made on the journal after the yeas and nays taken yesterday, to shew in what manner the question was decided; it being alleged that the report upon which the question was taken, involved a point for the determination of which the assent of nine states was necessary; it was moved that immediately after the yeas and nays taken yesterday, be entered the following words, "so it was resolved in the affirmative."

On the question to agree to this, the yeas and nays being required by Mr. Burke,

<i>Massachusetts,</i>	Mr. Adams,	no	}	no	<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Lovell,	no			<i>Virginia,</i>	Mr. Bland,	no		
	Ward,	no				M. Smith,	no		
<i>Rhode-Island,</i>	Mr. Varnum,	ay	}	*	<i>N.-Carolina,</i>	Mr. Burke,	no	}	div.
<i>Connecticut,</i>	Mr. Huntington,	ay				Sharpe,	ay		
	Root,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Matthews,	no	}	no
	Wolcott,	no				Motte,	no		
<i>New-York,</i>	Mr. Duane,	ay	}	ay	<i>Georgia,</i>	Mr. Walton,	ay	}	no
	Floyd,	ay				Few,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no		Howly,	no		
	Clymer,	no							
	T. Smith,	no							

So it passed in the negative.

A letter, of the 13th, from R. Morris, was taken into consideration, when a motion was made by Mr. Burke, seconded by Mr. Matthews,

That Congress do not require Mr. Morris to dissolve any commercial connexion which he shall have formed previous to his taking upon him the office of superintendent of the finances of the United States of America:

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Virginia,</i>	Mr. Jones,	ay	}	ay
<i>Massachusetts,</i>	Mr. Adams,	no				Madison,	ay		
	Lovell	ay				Bland,	no		
	Ward,	no	}	no		M. Smith,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	no			<i>N.-Carolina,</i>	Mr. Burke,	ay		
	Root,	no				Sharpe,	ay		
	Wolcott,	ay	}	ay		Johnson,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	ay			<i>S.-Carolina,</i>	Mr. Matthews,	ay		
	Floyd,	ay				Bee,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay	<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	Clymer,	ay				Few,	ay		
	T. Smith,	ay				Howly,	ay		
<i>Maryland,</i>	Mr. Hanson,	no	}	no					
	Carroll,	no							

So the question was lost.

A motion was then made by Mr. Duane, seconded by Mr. Matthews, as follows :

The following paragraph from the letter from R. Morris, lately elected superintendent of finance, was considered, viz.

"I am to inform Congress that the preparatory steps I had taken towards procuring myself relaxation from business, with least injury to the interests of my family, were by engaging in certain commercial establishments with persons in whom I had perfect confidence, as to their integrity, honor and abilities. These establishments I am bound in honour and by contracts to support, to the extent agreed on: if therefore it be in the idea of Congress, that the office of superintendent of finance is incompatible with commercial concerns and connexions, the point is settled; for I cannot, on any consideration, consent to violate engagements or depart from those principles of honor which it is my pride to be governed by. If, on the contrary, Congress have elected me to this office, under the expectation that my mercantile connexions and engagements were to continue, an express declaration of their sentiments should appear on their minutes, that no doubt may arise or reflexions be cast on this score hereafter.

*Resolved,* That the United States in Congress assembled do not require Mr. Morris to dissolve the commercial connexions referred to in the said paragraph.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Virginia,</i>	Mr. Jones,	ay	}	ay
<i>Massachusetts,</i>	Mr. Adams,	no				Madison,	ay		
	Lovell,	ay				Bland,	no		
	Ward,	no	}	no		M. Smith,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	no			<i>N.-Carolina,</i>	Mr. Burke,	ay		
	Root,	no				Sharpe,	ay		
	Wolcott,	ay	}	ay		Johnson,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	ay			<i>S.-Carolina,</i>	Mr. Matthews,	ay		
	Floyd,	ay				Bee,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay	<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	Clymer,	ay				Few,	ay		
	T. Smith,	ay				Howly,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay					
	Carroll,	ay							

So it was resolved in the affirmative.

WEDNESDAY, *March 21,* 1781.

Mr. Houston, a delegate for the state of New-Jersey, and Mr. Vandyke, a delegate for the state of Delaware, attended, and took their seats.

The consideration of the letter of the 13th, from Mr. R. Morris, being resumed, a motion was made by Mr. Matthews, seconded by Mr. Burke,



That the superintendent of finance be, and he is hereby empowered to appoint and remove at his pleasure, his assistants in his peculiar office or chamber of business in immediate connexion with him ; it being first determined by the United States in Congress assembled, that such assistants so to be appointed, are necessary, and what the salary of each shall be.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>N.-Hampshire,</i>	Mr. Sullivan,	ay	}	*	<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
<i>Massachusetts,</i>	Mr. Adams,	no				Carroll,	ay		
	Ward,	no	}	no	<i>Virginia,</i>	Mr. Madison,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	ay				Bland,	no		
	Root,	ay	}	ay		M. Smith,	ay	}	ay
	Wolcott,	ay			<i>N.-Carolina,</i>	Mr. Burke,	ay		
<i>New-York,</i>	Mr. Duane,	ay	}	ay		Sharpe,	ay	}	ay
	Floyd,	ay				Johnson,	ay		
<i>New-Jersey,</i>	Mr. Clark,	no	}	div.	<i>S.-Carolina,</i>	Mr. Matthews	ay	}	ay
	Houston,	ay				Motte,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay	<i>Georgia,</i>	Mr. Few,	ay	}	ay
	Clymer,	ay				Howly,	ay		
<i>Delaware,</i>	Mr. M'Kean,	ay	}	ay					
	Vandyke,	ay							

It was resolved in the affirmative.

*Ordered,* That the remainder of Mr. Morris's letter be referred to a committee of three : the members, Mr. Houston, Mr. Burke, Mr. Wolcott.

THURSDAY, March 22, 1781.

On a report of the medical committee, it was resolved as follows :

Whereas the late regulations for conducting the medical department and military hospitals passed the 30th day of September last, and amended by several subsequent acts of Congress, extend no further southward than to include the state of Virginia ; and whereas the present operations of the war to the southward, make it necessary that the hospital-department, in that district, be rendered as uniform to that in the northern army as circumstances will permit, that no inconveniencies may arise to the army in general from different and opposite systems, as its operations may eventually be interchangeable from one district to another in a short space of time ; therefore,

*Resolved,* That there be one deputy director of the military hospitals, who shall, in the absence of the director, have the general control and management of all the military hospitals that are or may be established under the orders of the commander of the southern army for the time being.

When the foregoing resolution was under debate, a motion was made by Mr. Matthews, seconded by Mr. Bee, after the words " the director," to insert " for the southern army ;" and on the question, shall those words be inserted ? the yeas and nays being required by Mr. Bee,

<i>N.-Hampshire,</i>	Mr. Sullivan	no	}	*	<i>Delaware,</i>	Mr. M'Kean,	no	}	no
<i>Massachusetts,</i>	Mr. Adams,	no				Vandyke,	no		
	Ward,	no	}	no	<i>Maryland,</i>	Mr. Carroll,	no	}	*
<i>Rhode-Island,</i>	Mr. Varnum,	no			<i>Virginia,</i>	Mr. Jones,	no		
<i>Connecticut,</i>	Mr. Huntington,	no	}	no		Bland	no	}	no
	oot,	no				Smith,	no		
<i>New-York,</i>	Mr. Duane,	no	}	no	<i>N.-Carolina,</i>	Mr. Burke,	no	}	no
	Floyd,	no				Sharpe,	no		
<i>New-Jersey,</i>	Mr. Clark,	no	}	no		Johnson,	no	}	no
	Houston,	no			<i>S.-Carolina,</i>	Mr. Matthews,	ay		
<i>Pennsylvania,</i>	Mr. Mongomery,	no	}	no		Bee,	ay	}	ay
	Clymer,	no				Motte,	ay		
					<i>Georgia,</i>	Mr. Howly,	no	}	*

So it passed in the negative.

*Resolved,* That for the army aforesaid, there shall be one chief physician of the hospital, who shall also be a surgeon ; one chief physician to the said

army, who shall also be a surgeon; two hospital physicians, who shall also be surgeons; and four surgeon's mates for the hospitals; one deputy purveyor with an assistant, one deputy apothecary with an assistant; and to each hospital, a steward, matron, orderly men and nurses as is directed in the arrangement of the hospital, passed the 30th day of September aforesaid.

That the deputy director, deputy purveyor and deputy apothecary, have and exercise the same powers which are exercised by the director, purveyor and apothecary respectively, agreeably to the arrangement above-mentioned:

That the pay of the deputy director be 140 dollars per month, that of the deputy purveyor and deputy apothecary, each 120 dollars per month; and they shall severally be entitled to the same emoluments, and subject to the same regulations and restrictions as their respective principals are entitled or subjected to by the above-mentioned arrangement and the amendments thereto:

That all the other officers of the hospital and medical-staff for the southern army, exercise the powers, perform the same duties, receive the same pay and emoluments, and be subject to the regulations and restrictions laid down in the aforesaid arrangement for officers of like description:

Provided nevertheless, that the powers therein directed to be exercised by the director, and any two chief physicians and surgeons of the hospital, shall, in the absence of the deputy director, be vested in and exercised by the next officer in the hospital department for the southern army, and so on in succession, in conjunction with the two next seniors.

*Ordered*, That Monday next be assigned for the election of the officers in the hospital department for the southern army.

The committee, to whom was referred "The act of the legislature of the state of Connecticut, vesting in Congress, for a limited time, a power to levy and collect duties for the purposes mentioned in the act of Congress of the 3d day of February last;" report,

That it appears by an estimate reported to Congress, that upon loan-office certificates and other loans made for the use of the public, an annual interest arises of more than one million of dollars:

That the said debts being contracted on the faith and for the defence of the United States, and Congress having no means to discharge either the principal or interest, justice, good faith and the honor of the confederacy, require that certain adequate and permanent funds should be provided by the respective states, and appropriated for the satisfaction of the public creditors and for supporting the war:

That, upon mature deliberation, it was the unanimous opinion of Congress that a duty on imports and prizes would be most equal throughout the United States, and least burthensome to our citizens:

That Congress, therefore, recommended it to the respective states as indispensably necessary, to vest a power in Congress to levy the duty on imports and prizes, mentioned in their act of 3d February last; and that the said duties should be continued until the principal and interest of the debts already contracted, or which might be contracted, on the faith of the United States, for supporting the present war, should be fully and finally discharged:

That in the opinion of the committee, the proviso at the close of the act of the legislature of Connecticut, will defeat the good intentions of the said requisition, which aims at giving the public creditors, who have vested or shall vest their property in the funds, a substantial and adequate security which shall operate until their debts are fully satisfied:

That from the estimates laid before Congress, the produce of the duty on imports and prizes will, during the war, fall greatly short of the annual interest, even of the loan-office certificates; and will, in the opinion of the committee, justly alarm those who have lent their money to the public, if

the funds so to be assigned, should be limited for a short or any period, which will not afford them reasonable security, and continue in force until the debts due to them are faithfully discharged; Whereupon,

*Resolved*, By the United States in Congress assembled, That it be, and hereby is earnestly recommended to the legislature of the state of Connecticut, to revise the above-mentioned law, and to alter and amend it agreeably to the requisition in the act of Congress of the 3d day of Feb. last to wit:

That the proposed duties on imports and prizes shall be continued until the principal and interest of debts already contracted on the faith of these United States, for the support of the present war, shall be fully and finally discharged.

**FRIDAY, March 23, 1781.**

A report of the committee for apportioning the quotas of the states, was taken into consideration; and, thereupon,

*Resolved*, That the quota of 1,500,000 dollars, called for by act of 16th, be as follows;

New-Hampshire,	46,080 3-4	four quarterly payments,	184,325	Delaware,	24,480 1-4	four quarterly payments,	97,921
Massachusetts,	264,965 3-4		1,059,863	Maryland,	182,026 3-4		728,107
Rhode-Island,	29,146 1-4		116,585	Virginia,	288,006 1-2		1,152,026
Connecticut,	195,844 1-4		783,377	North-Carolina,	57,601		230,404
New-York,	43,200 3-4		172,803				
New-Jersey,	103,682		414,728				
Pennsylvania,	264,965 3-4		1,059,863				
					1,500,000		6,000,000

*Resolved*, That the sums assessed shall not be considered as the proportion of any state, but being paid into the treasury, shall be placed to their respective credit, bearing an interest of six per cent. per annum, from the time of payment until the quotas shall be finally ascertained, agreeably to the articles of confederation. And if it shall then appear that any state is assessed more than its just quota of the said tax, it shall continue to receive interest on the surplus; and if less, it shall be charged with the interest on the deficiency, until, by a future tax, such surplus or deficiency shall be properly adjusted.

**SATURDAY, March 24, 1781.**

The board of war, to whom was referred a motion of Mr. Bland, delivered in a report; Whereupon,

*Resolved*, That the supreme executive of the state of Virginia be authorized and requested to appoint suitable persons to settle the accounts of col. Wood, respecting his command in superintending the prisoners under the convention of Saratoga, and if they think it right to allow his reasonable travelling expenses between the two posts which he superintends, with those for one servant while on that duty.

**MONDAY, March 26, 1781.**

A letter, of the 22d of February, from the governor of Virginia, was read, with a memorial enclosed from Messrs. Stoddert, Kerr and North; Whereupon,

On motion of Mr. Madison, seconded by Mr. M. Smith,

*Ordered*, That authenticated copies of the said memorial, protests and affidavits, be transmitted to the hon. John Adams, and that he be instructed to represent the case to which they relate to their high mightinesses the states general of the United Provinces of the Netherlands, and to claim such redress for the memorialists as justice and the law of nations require.

**TUESDAY, March 27, 1781.**

A letter, of this day, from J. Wilkinson, clothier-general, was read, desiring leave to resign.

*Ordered*, That his resignation be accepted.

A letter from the board of treasury was read ; Whereupon,

*Resolved*, That the board of war be, and they are hereby, authorized to receive and examine such accounts as shall be reported to the said board by Joseph Howell, jun. one of the auditors for the main army during his residence in Philadelphia, and to issue their warrants on the pay-master general, or deputy pay-master, in discharge of such of the accounts aforesaid as the said board shall judge proper and necessary, in the same manner as the commander in chief, or commander of a detachment having a military chest, are directed by the ordinance of 30th July, 1779.

The motion of Mr. Madison was again taken into consideration ; and thereupon, the following ordinance was passed :

An ordinance relative to the capture and condemnation of prizes.

The United States in Congress assembled, taking into consideration the implacable war waged against them by the king of Great-Britain, and judging it inconsistent with their dignity as a free and independent nation, any longer to continue indulgences and exemptions to any of the subjects of their enemy, who is obstinately bent upon their destruction or subjugation, have thought it proper to ordain and order, and it is hereby ordained and ordered, that henceforward general reprisals be granted against the ships, goods and subjects of the king of Great-Britain ; so that as well the fleets and ships of these United States, as also all other ships and vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled, shall and may lawfully seize all ships, vessels and goods, belonging to the king or crown of Great-Britain, or to his subjects or others inhabiting within any of the territories or possessions of the aforesaid king of Great-Britain, and bring them to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States by the authority of the United States in Congress assembled : and the said courts of admiralty are hereby authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships and goods that are or shall be taken, and to hear and determine the same, and, according to the course of admiralty and the laws of nations, to adjudge and condemn all such ships, vessels, and goods, as shall belong to the king of Great-Britain, or to his subjects, or to any others inhabiting, within any of the countries, territories or dominions, or possessions of the aforesaid king of Great-Britain.

And that the board of admiralty or secretary of marine forthwith prepare, and lay before the United States in Congress assembled, a draught of instructions for such ships or vessels as shall be commissioned for the purposes above mentioned.

And it is hereby further ordained, that the destruction of papers, or the possession of double papers, by any captured vessel, shall be deemed and taken as just cause for the condemnation of such captured vessel ; and that when any prize, having been taken and possessed by the enemy twenty-four hours, shall be retaken from them, the whole of such re-captured prize shall be condemned for the use of the re-captors ; but in cases where the prize shall have continued in the possession of the enemy less than twenty-four hours, it shall be restored to the original owner or owners, except one-third part of the true value thereof, which shall be allowed as salvage to the re-captors.

And it is hereby further ordained, that the citizens and inhabitants of these United States be, and they hereby are, strictly enjoined and required to abstain from all intercourse, correspondence or dealings whatsoever, with

the subjects of the said king of Great-Britain, while at open war with these United States, as they will answer the same at their peril ; and the executives of the several states are hereby called upon to take the most vigilant and effectual measures for detecting and suppressing such intercourse, correspondence or dealings, and bringing the authors thereof, or those concerned therein, to condign punishment.

And in order the more effectually to remove every colorable pretence for continuing such intercourse, it is hereby ordained that from and after the first day of November next, no benefit shall be claimed from, nor countenance or regard paid to any letters of passport or safe conduct, heretofore granted by the Congress of the United States, to any of the citizens or inhabitants thereof, or to any person or persons whatever, for the removal of their property or effects from places within the dominions or possessions of the said king of Great-Britain :

Provided always, that this ordinance shall not extend to authorize the capture or condemnation of any vessel belonging to any inhabitant of Bermudas, which, being loaded with salt only, may arrive in any of these United States, on or before the first day of May next.

And it is hereby ordained, that all former acts or resolutions of Congress, contrary to the tenor, true intent and meaning of this ordinance, be and they are hereby repealed.

Congress proceeded to the election of a deputy purveyor of the hospital for the southern army, and the ballots being taken and counted, Dr. Nathan Brownson was elected, he having been previously nominated by Mr. Adams.

#### THURSDAY, *March* 29, 1781.

A report from the board of treasury on the letter of Aaron Levy was read ; Whereupon,

*Resolved*, That until the loan-offices of South-Carolina and Georgia be fixed, and public notice thereof given, agreeably to the resolution of Congress of the 3d of August last, the treasurer of the United States be empowered to issue loan-office certificates in discharge of interest that is or shall be due on loan-office certificates issued from either of the loan-offices aforesaid, in the same manner and upon the same principles as certificates for interest are issued from other loan-offices.

A report from the board of war, respecting the regiment of artificers, was taken into consideration ; and, thereupon,

*Resolved*, That the regiment of artificers, commanded by col. Baldwin, be dissolved ; and those of the non-commissioned officers and privates whose times of service are unexpired, and are now with the main army, be formed into one company, under such officers, and be employed in such way as the commander in chief shall direct :

That the artificers with the southern army be also formed into one company, under a competent number of officers to be selected by the commanding general of that army :

That all officers of the regiment of artificers not retained by virtue of these resolutions, be no longer considered in the service of the United States.

*Resolved*, That all the non-commissioned officers and men of the regiment of artillery artificers at Carlisle, whose times of service are unexpired, be formed into one or more company or companies, and the officers at that place, except captains Wiley and Jordan, be no longer considered in the service of the United States.

#### FRIDAY, *March* 30, 1781.

A letter, of this day, from J. Pierce, pay-master general, was read : Whereupon,



A motion was made by Mr. Matthews, seconded by Mr. Motte,

That the honorable assembly of Pennsylvania be requested to appoint a committee of their body to confer with a committee of Congress, on the recommendation of Congress to the several states to amend their laws, making the bills of credit, emitted under the authority of Congress, a legal tender: That a committee of three be now appointed to attend on the said proposed conference.

On the question to agree to this, the yeas and nays being required by Mr. Clymer,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	}	*	<i>Maryland</i> , Mr. Hanson,	no	}	div.
<i>Massachusetts</i> , Mr. Adams,	no			Carroll,	ay		
Lovell,	no			<i>Virginia</i> , Mr. Madison,	no	}	no
Ward,	no	}	*	M. Smith,	no		
<i>Rhode-Island</i> , Mr. Varnum,	no			<i>N.-Carolina</i> , Mr. Burke,	ay	}	ay
<i>Connecticut</i> , Mr. Huntington,	no			Sharpe,	ay		
Root,	no	}	no	Johnson,	no	}	no
<i>Pennsylvania</i> , Mr. Montgomery,	no			<i>S.-Carolina</i> , Mr. Matthews,	ay		
Clymer,	ay			Bee,	ay	}	ay
Wynkoop,	ay	}	ay	Motte,	ay		
<i>Delaware</i> , Mr. M'Kean,	ay			<i>Georgia</i> , Mr. Few,	no	}	*
Vandyke,	ay						

So the question was lost.

The report of a committee, consisting of Mr. M. Smith, Mr. Matthews, Mr. Varnum, to whom was referred a letter of the 12th, from major-general M'Dougall, was taken into consideration; and the same, after debate, being postponed,

A motion was made by Mr. Bee, seconded by Mr. Sharpe,

That during the time major-general M'Dougall shall continue to act as secretary of marine, his pay and emoluments as an officer of the army shall cease; but he shall not thereby be deprived of rank or the privilege of returning to his command whenever Congress or the commander in chief shall think his services necessary in the field.

On the question to agree to this, the yeas and nays being required by Mr. Sharpe,

<i>Massachusetts</i> , Mr. Adams,	no	}	no	<i>Virginia</i> , Mr. Madison,	ay	}	div.
Lovell,	no			M. Smith,	no		
Ward,	no			<i>N.-Carolina</i> , Mr. Burke,	no	}	ay
<i>Connecticut</i> , Mr. Huntington,	no	}	no	Sharpe,	ay		
Root,	no			Johnson,	ay	}	no
<i>New-Jersey</i> , Mr. Witherspoon,	ay			<i>S.-Carolina</i> , Mr. Matthews,	no		
Clarke,	ay	}	ay	Bee,	ay	}	no
<i>Pennsylvania</i> , Mr. Montgomery,	no			Motte,	no		
Clymer,	ay			<i>Georgia</i> , Mr. Walton,	ay	}	no
Wynkoop,	ay	}	*	Few,	no		
<i>Delaware</i> , Mr. Vandyke,	no			Howly,	no	}	no
<i>Maryland</i> , Mr. Hanson,	no						
Carroll,	no	}	no				

So it passed in the negative.

On motion of Mr. Burke, seconded by Mr. Howly,

**Resolved,** That the United States in Congress assembled, have a due sense of the zeal of major-general M'Dougall, for the safety and honour of America, and applaud his magnanimity in declining "to retire from the toils and perils of the field in the present critical condition of the United States in general, and that of New-York in particular:" that they are well convinced of his wishes and disposition to render to the public every service in his power; but as major-general M'Dougall, for good reasons, cannot detach himself from his command in the army, and as the duties of the office of secretary of marine, to which he has lately been elected by Congress, may interfere with the execution of military duty, the United States in Congress assembled, do not therefore expect his acceptance of that office.

SATURDAY, *March 31, 1781.*

A letter, of the 10th, and one of the 16th, from major-general Greene, were read, the latter giving an account of the action between him and the army under lord Cornwallis, on the 15th;

*Ordered*, That the same be referred to the committee of intelligence.

The report of the committee on the letter of the 13th, from R. Morris, was taken into consideration; and the first paragraph being read, viz.

That the superintendent of finance be, and he hereby is authorized to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, all persons entrusted with and immediately employed in the expenditure of the public money, and also all such as are or shall be, in his judgment, unnecessary; provided that such power of removal from office shall be limited to the duration of the present war.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>Massachusetts</i> , Mr. Adams,	no	}	no	<i>Virginia</i> , Mr. Madison,	ay	}	no
	Ward,				Bland,		
<i>Rhode-Island</i> , Mr. Varnum,	ay	}	*		M. Smith,	}	no
<i>Connecticut</i> , Mr. Huntington,	no			<i>N.-Carolina</i> , Mr. Burke,	ay		
	Root,	}	no		Johnson,	}	ay
<i>New-Jersey</i> , Mr. Witherspoon,	no			<i>S.-Carolina</i> , Mr. Matthews,	ay		
<i>Pennsylvania</i> , Mr. Montgomery,	no	}	div.		Motte,	}	ay
	Clymer,			<i>Georgia</i> , Mr. Walton,	ay		
<i>Delaware</i> , Mr. M'Kean,	no	}	no		Few,	}	ay
	Vandyke,				Howly,		
<i>Maryland</i> , Mr. Hanson,	no	}	no			}	
	Carroll,						

So it passed in the negative.

MONDAY, *April 2, 1781.*

On report of a committee, consisting of Mr. Sullivan, Mr. M'Kean and Mr. Houston, to whom was referred a letter of 19th March, from the governor of the state of New-York,

*Resolved*, That the two regiments of militia proposed to be embodied in the state of New-York, to serve till the first day of December next, as mentioned in governor Clinton's letter of the 19th March last, be paid and subsisted while in service, at the general expense, on the same terms as the troops on the continental establishment:

That the two regiments of infantry proposed to be raised in the said state to serve for three years, as mentioned in the aforesaid letter, be paid, subsisted and clothed while in service, at the general expense, on the same terms as the troops on the continental establishment; provided the said state shall first fill up their quota of troops for the continental army; and that the regiments, particularly the two last mentioned, be officered as far as may be by the reduced officers belonging to that state, and that the officers be proportioned to the number of men actually in service.

A report from the board of admiralty was read; Whereupon,

*Ordered*, That the board of admiralty fit the frigate Ariel for sea, with all convenient despatch.

TUESDAY, *April 3, 1781.*

A letter of the 2d, from Peter R. Fell, one of the commissioners of the chamber of accounts, was read, desiring leave to resign:

*Ordered*, That his resignation be accepted.

WEDNESDAY, *April 4, 1781.*

On motion of Mr. Madison, seconded by Mr. Sullivan,

*Resolved*, That the president transmit the thanks of the United States in Congress assembled, to the count de Rochambeau, and the chevalier Destouches, commanders of the army and fleet sent by his most Christian majesty to the succour of his allies, for the zeal and vigilance they have, on every occasion, manifested to fulfil the generous intentions of their sovereign and the expectations of these states: that he present their particular thanks to the chevalier Destouches, and the officers and men under his command, for the bravery, firmness and good conduct displayed in the late enterprize against the enemy at Portsmouth, in Virginia; in which, although the accomplishment of the object was prevented by unforeseen events, the arduous contest so gallantly and advantageously maintained on the 16th of March last, off the Capes of Chesapeake-Bay, against a superior British fleet, does honor to the arms of his most Christian majesty, and is a happy presage of decisive advantages to the United States.

On a report of a committee, consisting of Mr. Duane, Mr. Bee and Mr. Root, to whom was referred a letter of the 12th of March, from Charles Pettit:

*Resolved*, That no interest be computed on the money emitted pursuant to the act of the 18th March, 1780, at the time of issuing the same from the loan-offices, or when any officer of the United States shall make payments therewith for supplies, or in discharge of public debts.

#### THURSDAY, *April 5*, 1781.

A letter, of the 31st March, from general Washington, was read; Whereupon,

On motion of Mr. Matthews, seconded by Mr. Sharpe,

*Resolved*, That the United States in Congress assembled, approve of the reasons given by the commander in chief, for not exchanging lieutenant-colonel Hill for lieutenant-colonel du Buysson.

A letter, of the 23d of March, from the governor of the state of New-York, was read, enclosing a copy of an act authorizing Congress to levy a duty on foreign merchandise imported into that state.

A letter, of February 16th, from Egbert Benson, was read, signifying his acceptance of the office of procurator in the state of New-York.

Agreeable to the order of the day, the report of the committee appointed "to devise and report the mode for appointing courts for the trial of piracies and felonies committed on the high seas," was taken into consideration; and, thereupon,

The United States in Congress assembled, agreed to the following Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas.

Whereas by the ninth article of the confederation and perpetual union of the Thirteen United States of America, it is agreed, that the United States in Congress assembled, shall have the sole and exclusive right and power (inter alia) of appointing courts for the trial of piracies and felonies committed on the high seas. And whereas it is expedient that such courts should be speedily erected, and it is reasonable that the same mode of trial should be adopted for offenders of this kind on the high seas as is used for offenders of the like sort upon the land.

Be it therefore ordained, and it is hereby ordained by the United States of America in Congress assembled, and by the authority of the same, that all and every person and persons who heretofore have committed, or who hereafter shall commit, any piracy or felony upon the high seas, or who shall be charged as accessories to the same, either before or after the fact, may and shall be enquired of, tried and judged by grand and petit juries, according to the course of the common law, in like manner as if the piracy or felony

were committed upon the land, and within some country, district or precinct in one of these United States, the justices of the supreme or superior court of judicature, and judge of the court of admiralty of the several and respective states, or any two or more of them, are hereby constituted and appointed judges for hearing and trying such offenders.

And be it further ordained, that if any person or persons shall be indicted for any piracy or felony done, or hereafter to be done, upon the high seas, or as accessories before or after the fact, either on the land or upon the seas, by a grand jury for any county, district, or precinct within any of these United States, before the justices of the supreme or superior court and judge of the admiralty, or any two of them, that then such order, process, judgment and execution shall be used, had, done and made to and against every such person and persons, so being indicted, as against robbers, murderers, or other felons for robbery, murder, or other felony done upon the land within such county, district, or precinct, as by the laws of the said state is accustomed; and the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men of the said county, district, or precinct; and such as shall be convicted of any such offence or offences, by verdict, confession, or otherwise, in the said court, shall have and suffer such pains of death, losses of lands, goods and chattels, or other punishment, and by the same authority as if they had been convicted and attainted of any robbery, felony or other the said offences done upon land; and shall be utterly excluded the benefit of clergy where the same is taken away or not admitted for such like offences committed within the body of a county, or on land where such trial shall be had.

And be it further ordained, that if there shall be more than one judge of the admiralty in any of the United States, that then, and in such case, the supreme executive power of such state may and shall commissionate one of them exclusively to join in performing the duties required by this ordinance.

And be it further ordained, that all losses and forfeitures of lands, goods and chattels, incurred upon any such conviction and attainder, shall go and belong to the state in which the said conviction and attainder shall be had.

FRIDAY, April 6, 1781.

A motion was made by Mr. Matthews, seconded by Mr. M'Kean,

That Congress will proceed immediately to the consideration of the present state of affairs of these United States, in order that full information may be obtained thereon, and such measures adopted, as, in the opinion of Congress, shall appear best calculated effectually to prosecute the war against the enemies of these United States; to satisfy the creditors thereof, and restore the public credit: that for this purpose all public despatches, the reports of the board of war, treasury and admiralty (except such as the president, or a committee to be appointed for that purpose, shall, from time to time, inform Congress, require their immediate attention) be suspended until Congress shall have perfected such enquiry and taken the necessary measures in consequence thereof.

On a motion to postpone the consideration of the foregoing motion, the yeas and nays being required by Mr. Matthews,

<i>Massachusetts</i> , Mr. Adams,	no	} no	<i>Maryland</i> ,	Mr. Hanson,	ay	} ay
	Lovell,			Carroll,	ay	
<i>Connecticut</i> , Mr. Huntington,	no	} no	<i>Virginia</i> ,	Mr. Bland,	no	} no
	Root,			M. Smith,	no	
	Wolcott,	no	<i>N.-Carolina</i> ,	Mr. Burke,	ay	} ay
<i>New-Jersey</i> , Mr. Witherspoon,	no	} no		Johnson,	ay	
	Clark,		<i>S.-Carolina</i> ,	Mr. Matthews,	no	} no
<i>Pennsylvania</i> , Mr. Montgomery,	no	} no		Motte,	no	
	Wynkoop,		<i>Georgia</i> ,	Mr. Walton,	no	} no
<i>Delaware</i> , Mr. M'Kean,	no	} no		Few,	no	
	Vandyke,					

So it passed in the negative.

After debate, the motion being amended, it was

*Resolved*, That the house be resolved into a committee of the whole, at 12 o'clock on each day, to take into consideration the present state of public affairs, in order to devise further measures effectually to prosecute the war against the enemies of these United States, to satisfy the creditors thereof, and to restore the public credit.

SATURDAY, *April 7*, 1781.

A report from the board of war was read ; Whereupon,

*Ordered*, That the resignation of lieutenant Patterson, of colonel Proctor's regiment of artillery, be accepted.

On a report of a committee, consisting of Mr. Varnum, Mr. Bee, and Mr. Vandyke, to whom was referred the draft of instructions to the captains of private armed vessels, reported by the board of admiralty :

Be it ordained, and it is hereby ordained, by the United States in Congress assembled, that the following instructions be observed by the captains or commanders of private armed vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled :

1st. You may by force of arms attack, subdue, and seize all ships, vessels and goods, belonging to the king or crown of Great-Britain, or to his subjects, or others inhabiting within any of the territories or possessions of the aforesaid king of Great-Britain, on the high seas, or between high-water and low-water marks. And you may also annoy the enemy by all means in your power, by land as well as by water, taking care not to infringe or violate the laws of nations, or laws of neutrality.

2d. You are to pay a sacred regard to the rights of neutral powers, and the usage and customs of civilized nations ; and on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States ; except they are employed in carrying contraband goods or soldiers to our enemies ; and in such case you are to conform to the stipulations contained in the treaties subsisting between such princes or powers and these states : and you are not to capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations, or princes, under the pains and penalties expressed in a proclamation issued by the Congress of the United States, the 9th day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

3d. You shall permit all neutral vessels freely to navigate on the high seas, or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

4th. You shall not seize or capture any effects belonging to the subjects of the belligerent powers on board neutral vessels, excepting contraband goods ; and you are carefully to observe, that the term contraband is confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the sixth day of February, 1778, between these United States and his most Christian majesty, namely : arms, great guns, bombs, with their fuses and other things belonging to them ; cannon-balls, gun-powder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever.

5th. You shall bring all such ships and vessels as you shall seize or capture, with their guns, rigging, tackle, apparel and furniture, and lading, to judgment in any of the courts of admiralty that now are or hereafter may



be established in any of these United States, in any court authorized by his most Christian majesty, or any other power in alliance with these United States, to take cognizance of captures and seizures made by the private armed vessels of these states, and to judicially hear and determine thereon.

6th. You shall send the master or pilot and one or more principal persons of the company of every ship or vessel by you taken, in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be pronounced, touching the interest or property of the ship or vessel and her lading; and at the same time you shall deliver or cause to be delivered to the judge or judges, all passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

7th. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly authorized, be adjudged lawful prize, or acquitted; not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

8th. If any of your officers or crew shall, in cold blood, kill or maim, or by torture or otherwise, cruelly, inhumanly, and contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

9th. You shall, by all convenient opportunities, send to the board of admiralty, or secretary of marine, written accounts of the captures you shall make, with the numbers and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

10th. One-third at least of your whole company shall be landsmen.

11th. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port; and if from necessity you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruize, make report thereof on oath to the judge of the admiralty of the state to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal; and you are to deliver, at your expense or at the expense of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county gaol.

12th. You shall observe all such further instructions as shall hereafter be given by the United States in Congress assembled, when you shall have notice thereof.

13th. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved for damages sustained by such malversation.

*Ordered*, That the board of admiralty report, as soon as may be, proper regulations for the conducting and governing the vessels of war of the United States and other armed vessels.

**TUESDAY, April 10, 1781.**

On motion of Mr. Adams, seconded by Mr. Madison,

*Resolved*, That the commander in chief be, and he is hereby, authorized to employ an additional confidential secretary, and as many writers as he shall

judge proper, to arrange and register the public letters and other documents in the office at head-quarters ; and to assign such salaries for their respective services, as he shall think reasonable.

On motion of Mr. Varnum, seconded by Mr. Motte,

*Ordered*, That no more of the bills heretofore drawn on the ministers plenipotentiary of these United States in Europe, (except those appropriated for the use of the southern army, and those appropriated and lodged in the hands of the board of war,) be sold without special direction from the United States in Congress assembled, and that the board of treasury give orders accordingly.

THURSDAY, *April 12, 1781.*

*Ordered*, That Mr. Burke and Mr. Adams have leave of absence.

FRIDAY, *April 13, 1781.*

A report of the board of war was read ; Whereupon,

*Resolved*, That the commander in chief transmit to the executives of the several states lists of the names of all the new levies belonging to each state respectively, specifying their times of service and the sums due to them ; such lists to be signed by the pay-masters of the regiments in which the said new levies have served, countersigned by the commanding officer, and approved of by the brigadier or commanding officer of the brigade or corps ; and that it be, and hereby is, recommended to the said states, to cause payment to be made to the said new levies, agreeably to such lists, on account of the United States.

On motion of Mr. Sullivan, seconded by Mr. Matthews,

*Resolved*, That, for the future, all applications of persons serving in the army, for settlement of accounts, be made immediately to the auditors of the army :

That all applications of persons serving in the army, for payment of liquidated sums due from the United States, be made immediately to the pay-master, accompanied with the proper warrants :

That all similar applications of other creditors of the United States, be made immediately to the board of treasury, to be liquidated and discharged, either in whole or in such equal proportion, as the board of treasury shall, with the approbation of the United States in Congress assembled, from time to time generally direct.

*Resolved*, That all applications respecting rank, discharges, losses of horses, clothing, or other articles, in the service, and for arrears of clothing and other articles, be made in the first instance to the board of war.

*Resolved*, That all applications for resignations be made to the commander in chief, or to the officer commanding in a separate department.

*Ordered*, That Mr. Wolcott have leave of absence.

SATURDAY, *April 14, 1781.*

On the report of a committee, consisting of Mr. Varnum, Mr. Hoastoc, and Mr. Matthews, to whom was referred a motion of Mr. Varnum,

The United States in Congress assembled, having taken into consideration the report of the board of admiralty of the 28th March last, respecting the conduct of John Paul Jones, esq. captain in the navy, do

*Resolve*, That the thanks of the United States in Congress assembled, be given to capt. John Paul Jones, for the zeal, prudence, and intrepidity, with which he hath supported the honor of the American flag ; for his bold and successful enterprizes to redeem from captivity the citizens of these states, who had fallen under the power of the enemy ; and in general for the good conduct and eminent services by which he has added lustre to his character and to the American arms.

That the thanks of the United States in Congress assembled, be also given to the officers and men who have faithfully served under him from time to time, for their steady affection to the cause of their country and the bravery and perseverance they have manifested therein.

On motion of Mr. Clark, seconded by Mr. Sullivan,

*Resolved*, That the commissioners of the continental loan-offices in the several states be, and they are hereby, directed to exchange with the treasurers of their respective states, all such bills of credit of the old emissions as now are or may come into their hands, by the sale of bills of exchange or on loan for bills of credit of the new emissions issued in the same state, in order that the said bills of the old emissions may be drawn out of circulation as soon as possible.

A report from the board of war was read ; Whereupon,

*Ordered*, That the auditors of the army settle all accounts for monies heretofore advanced by officers out of their private funds for their regiments or companies, and which are now due agreeably to the scale of depreciation established by the treasury board, and give certificates in specie of the sum due, that the officers entitled thereto may receive the same when the state of the public finances will admit of payment thereof : provided that no charges be allowed by the said auditors, but for such pay or articles as the soldiers were entitled to receive by resolutions of Congress, and which were not supplied by the United States, or the state to which they respectively belonged.

A motion was made by Mr. Adams, seconded by Mr. Bland,

That the board of admiralty be directed to enquire into and report to Congress, the cause of the detention of the prize-money due to the seamen in the service of the United States in Europe and America.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>New-Hampshire</i> , Mr. Sullivan,	ay } *	<i>Delaware</i> ,	Mr. Rodney,	ay } *
<i>Massachusetts</i> , Mr. Adams,	ay }	<i>Maryland</i> ,	Mr. Carroll,	ay }
	Lovell,	<i>Virginia</i> ,	Mr. Bland,	ay }
	Ward,	<i>N.-Carolina</i> ,	Mr. Sharpe,	ay }
<i>Connecticut</i> , Mr. Huntington,	ay }		Johnson,	ay }
	Root,	<i>S.-Carolina</i> ,	Mr. Matthews,	ay }
<i>New-Jersey</i> , Mr. Clark,	ay }		Bee,	ay }
	Houston,		Motte,	ay }
<i>Pennsylvania</i> , Mr. Atlee,	ay }	<i>Georgia</i> ,	Mr. Few,	ay }
	Clymer,		Howly,	ay }

So it was resolved in the affirmative.

MONDAY, April 16, 1781.

On a report of a committee, consisting of Mr. Varnum, Mr. Clark, and Mr. Vandyke, to whom were referred the letters of the board of war, and the pay-master general of 30th March last,

*Resolved*, That in settling the accounts of the officers returned from captivity, the auditors consider their pay to the first of August last, in bills of the old emissions, agreeable to the usual mode of paying the army ; and from the said first day of August, till such officers returned from captivity or rejoined their corps, in bills of the new emission issued agreeable to the resolution of 18th March, 1780 :

That subsistence money be allowed to the said officers, at the rate of 1-6th of a dollar per ration, in specie ; and that the monies paid to them by the commissary of prisoners, pursuant to former resolutions, be charged as so much advanced.

*Resolved*, That the states who have not considered their said officers in captivity, in settling the depreciation accounts of their lines of the army, receive and adjust their demands for depreciation in the same manner as though they had not been in captivity.

*Resolved*, That the demands of officers retiring from service in pursuance of the last reform of the army, and who were not attached to the line of any particular state, whether for pay, subsistence, forage or depreciation, be adjusted by the auditor of the army in some one of the departments or districts: that the balances respectively due be certified in specie-value, and duplicates be transmitted to the board of treasury; that in settling the depreciation accounts, the resolution of Congress of the 28th of June last, be considered as the scale.

*Resolved*, That all warrants issued by the board of war, in favour of officers returned from captivity, for specie, contrary to the tenor of these resolutions, be recalled.

On report of a committee, consisting of Mr. Sullivan, Mr. Smith, Mr. Matthews, to whom was referred a letter of 26th March last, from the governor of Virginia,

*Ordered*, That governor Jefferson be informed, in answer to his letter of the 26th March last, that it is incompatible with the rules established by the United States in Congress assembled, for colonel Davis to exercise a civil appointment whilst he retains his rank in the army.

#### TUESDAY, *April 17, 1781.*

On motion of Mr. Bland, seconded by Mr. Bee,

*Resolved*, That the clothier-general, before he enters into office, shall give bond in such sum as the board of treasury shall think sufficient, with two or more sufficient sureties, for the due performance of his office, which bond shall be lodged in the treasury-office.

Congress proceeded to the election of a clothier-general; and, the ballots being taken, Mr. John Moylan was elected, having been previously nominated by Mr. Burke.

#### WEDNESDAY, *April 18, 1781.*

A committee, consisting of Mr. Duane, Mr. Sharpe, Mr. Wolcott, having been appointed to estimate and state the amount of the debts due from the United States, with the necessary estimates for the current year, as near as can be done, in order that the same may be laid before their respective legislatures; and having brought in a report, the same was twice read, debated by paragraphs, and agreed to. (See appendix.)

*Ordered*, That copies thereof be sent to the several states.

#### THURSDAY, *April 19, 1781.*

On motion of Mr. Duane, a delegate for the state of New-York, in pursuance of instructions from his constituents, it was resolved as follows:

Whereas differences have arisen between quarter-masters and commissaries, and persons claiming to be creditors of the United States, for articles furnished by or taken from them, and for services performed by them, for which no vouchers have been given, or for which the vouchers may be lost, or having vouchers it is doubtful whether the account can be adjusted in either of the departments of the quarter-master general or commissary-general; to remedy which,

*Resolved*, That every such claim as aforesaid, which shall have been submitted to the inspection of the continental commissioners for auditing and adjusting accounts, and by them certified, shall, by the quarter-master or commissary, be allowed and may be paid, or certificates given for the same, in like manner as is directed in the act of Congress of 26th August, 1780.

The report of a committee, consisting of Mr. Adams, Mr. Duane, Mr. Wolcott, to whom was referred the letter of March 10th, in the name and behalf of the general court of Massachusetts, was taken into consideration; and the same being read twice, was agreed to:

**Ordered**, That a copy thereof be transmitted to the general court of the commonwealth of Massachusetts, in answer to their letter of 10th March last.

**FRIDAY, April 20, 1781.**

The delegate for the state of New-York laid before the house instructions from the legislature of that state, which were read :

**Ordered**, That they be referred to the committee on the letter of 28th March, from the governor of the state of New-York :

The report of a committee, consisting of Mr. Ward, Mr. Sullivan and Mr. Motte, to whom was referred a memorial of colonel Hazen, and a letter of March 1st from general Washington, was taken into consideration ; Whereupon,

**Resolved**, That the board of treasury be, and they are hereby directed to settle and adjust the depreciation that is due to colonel Moses Hazen, the officers and men belonging to his regiment that are not considered as a part of either of the United States' quotas, and give them loan-office certificates for the sums that may be found due to them, payable in three years from the first day of January last, with interest ; the depreciation to be calculated by the same scale by which the state of Massachusetts calculated the depreciation due to the troops of that state.

**Resolved**, That 24 dollars, in bills of the new emission, be paid to each non-commissioned officer and private soldier belonging to colonel Moses Hazen's regiment, who is not considered as belonging to the quota of any of the United States.

**Resolved**, That the arrears of pay due to colonel Moses Hazen's regiment, be paid up in the same manner the battalions belonging to the respective states are paid, and be supplied with clothing in the same proportion that other continental troops are supplied.

**Resolved**, That colonel Hazen's regiment be recruited to its original establishment so soon as the finances of the United States will admit of the same being done.

**Resolved**, That it be, and hereby is recommended to the states of Rhode-Island and Providence Plantations, New-York, New-Jersey, Pennsylvania, Delaware, Maryland and Virginia, to make good the depreciation of the monthly pay of the officers and soldiers belonging to colonel Moses Hazen's regiment that are considered as a part of the quota of the respective states aforesaid, in the same manner they have made good the depreciation to the officers and soldiers in the battalion belonging to the lines of those states respectively.

**SATURDAY, April 21, 1781.**

A memorial from F. Hopkinson, treasurer of loans, was read :

**Ordered**, That the same be referred to the board of treasury ; and that the board of treasury take order and give directions that the remainder of the emissions of May, 1777, and April, 1778, which are yet uncanceled and undestroyed, be delivered to the commissioners appointed to count and burn the same, to be by them counted and burned at the office where they are now counting and destroying other emissions of continental currency ; and that Francis Hopkinson, treasurer of loans, be excused from further attendance on that business.

On the report of a committee, consisting of Mr. Houston, Mr. Burke, Mr. Wolcott, to whom was referred a letter of 13th of March last, from Mr. Morris :

**Resolved**, That the superintendent of finance be, and he is hereby authorized to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, such persons, not immediately appointed by



the United States in Congress assembled, as are or may be officially entrusted with, and immediately employed in the expenditure of the public supplies, stores and other property; in stating, examining and passing the public accounts, or in the receipt of the continental revenues of the United States, and such of the said persons as are or may be in his judgment unnecessary, reporting to such authority, board, minister or office, to whom it may belong to supply the vacancy, the respective names of the persons so removed:

That he be authorized to suspend from office or employment, for similar causes, persons officially employed and entrusted as aforesaid, immediately appointed by the United States in Congress assembled, reporting forthwith their names and the reason of suspension:

Provided, that in all cases where any of the persons aforesaid, are or may be amenable to the law martial, the superintendent be, and he is hereby authorized and directed, if he shall deem it most expedient for the public service, to put them in arrest by order in writing, and to apply to the officer whose duty it may be, to order a court martial; and such officer is hereby directed to order proceedings on the arrest accordingly:

That in every case of suspension, all pay and emoluments cease from the date thereof, unless the persons suspended be, upon trial, acquitted and restored; and the superintendent shall have power to supply the place when it may be necessary, by a temporary appointment, to continue until the person suspended be restored or dismissed:

That the aforesaid powers shall not be construed to interfere with the rank, commission or military duty of any officer in the line of the army, or those who may be duly entrusted with money for secret services by Congress, or the commander in chief of the army, or commanding officer of a separate department:

That the powers aforesaid be exercised during the pleasure of Congress, but not to extend beyond the duration of the war:

*Ordered*, That the committee have leave to sit again.

On motion of Mr. Clark, seconded by Mr. Varnum,

*Ordered*, That Ezekiel Cornell, one of the commissioners of the board of war, have leave of absence for six weeks agreeably to his request:

That the said E. Cornell be, and he is hereby directed to visit the military stores and laboratory to the eastward, in the department of the commissary of military stores, and to take measures for removing arms, ammunition and stores from thence to the main army, or to the southward; and to correct abuses in the said department, agreeably to instructions he may receive from the board of war for these purposes.

#### MONDAY, *April 23*, 1781.

A letter, of the 10th, from president Wear, of New-Hampshire, was read, enclosing an act passed by the legislature of that state, to authorize the Congress of the United States of America, to levy a duty not exceeding five per centum, upon goods imported into and prizes condemned within that state.

#### WEDNESDAY, *April 25*, 1781.

Mr. Nicholas Eveleigh, a delegate for the state of South-Carolina, attended, and took his seat.

A letter, of the 21st March, from brigadier-general Moultrie, to the delegates of South-Carolina, was read, enclosing a letter of 31st March from Thomas Heyward, and an affidavit of Thomas Johnson and James M'Queen, relative to the conduct of George Ashby, of Salem, a commander of a privateer cutter, who, upon capturing the schooner Endeavour, commanded by the above named T. Johnson, took, as is therein set forth, several cases of liquors, packages and bundles of clothes, and money, the property of and

consigned to gentlemen, prisoners of war, who had been sent from Charleston to St. Augustine; and also intercepted and refused to re-deliver letters written to the said prisoners by their friends and near relations:

*Ordered*, That the said letters and papers be transmitted to the governor of the commonwealth of Massachusetts: and that he cause enquiry to be made into the charges exhibited against captain Ashby, and if, upon enquiry, captain Ashby shall be found guilty of what is charged against him, to cause such punishment to be inflicted on the said Ashby as the laws of the state shall authorize; and that the governor of the said commonwealth be requested to communicate to Congress, the result of such enquiry.

The board of treasury, to whom was referred the petition of colonel Moses Hazen, delivered in a report; Whereupon,

*Ordered*, That the board of treasury place to the credit of colonel Moses Hazen, the sum of 13,386 2-90 of a dollar specie, being the principal and interest of the money due to him to the 1st of May 1781; and that the same bear an interest at the rate of six per cent. per annum from the 1st day of May next aforesaid, until paid.

#### THURSDAY, *April* 26, 1781.

A letter, of the 21st, from general Washington, was read; Whereupon,

*Resolved*, That the quarter-master general be, and he is hereby authorized to appoint colonel Champion, of Newport, a barrack-master to the French army; and to annex to that office a salary, not exceeding the pay of an assistant deputy quarter-master.

The report of the board of war of the 16th March last, on a letter of 15th of the same month from the pay-master general, was taken into consideration; and, thereupon,

*Resolved*, That the pay of captain-lieutenants of artillery, and of lieutenants and serjeants of infantry, be paid in bills of the new emission, at the rate fixed for the pay of those officers and non-commissioned officers respectively, on the 27th day of May, 1778, any former resolution of Congress to the contrary hereof notwithstanding.

The board of treasury reported that in pursuance of the act of the 5th day of September last, they have prepared loan-office certificates to the amount of 1,000,000 of dollars specie value, which are ready to be sent forward to the several continental loan-offices; Whereupon,

*Resolved*, That the commissioners of the several continental loan-offices issue the specie certificates ordered by the resolution of the 5th September, 1780, only on their receiving specie, or upon the order of Congress, or of the board of treasury, for the balance of accounts liquidated in specie value.

On motion of Mr. M. Smith, seconded by Mr. Adams,

*Ordered*, That the board of war cause the rampart muskets in their possession to be repaired; and forward, with all possible despatch, to the executives of the states of Virginia and North-Carolina, a quantity not exceeding 2000, to each state, charging to the said states respectively, the value of the muskets, with the expense of repairing and transporting them.

#### FRIDAY, *April* 27, 1781.

A letter, of the 26th, from the board of war, was read; Whereupon,

*Ordered*, That John Bradford, continental agent at Boston, deliver to the quarter-master general, or his order, all the duck in his hands belonging to the United States, proper for tents.

On a further report of the committee on the letter of 13th March from Robert Morris,

In order that the superintendent of finance may be at liberty to devote his time and attention to the more immediate duties of office,

**Resolved**, That he be, and hereby is, authorized to appoint by letter of attorney, or otherwise, such person or persons as he may think proper, to prosecute or defend for him in his official capacity, or in behalf of the United States, in all places where the same may be necessary :

That the oath of office to be taken by the superintendent of finance be as follows : I ——— do swear or affirm, that I will truly and impartially execute the office of superintendent of the finances of the United States of America, to which I am appointed ; and will, in all respects, discharge the trust reposed in me by the said appointment, with fidelity, justice, and integrity, to the best of my skill and understanding :

That the form of the commission to the superintendent of finance be as follows :

The United States in Congress assembled, to

Greeting :

We, reposing special trust and confidence in your fidelity, diligence, and ability, have constituted and appointed, and do by these presents, constitute and appoint, you the said ———, to be superintendent of the finances of the United States, hereby giving and granting to you all powers, privileges, authorities, and emoluments, which to the said office now do or hereafter may belong or appertain.

Witness his excellency, Samuel Huntington, president of Congress, at Philadelphia, the day of ——— in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of our independence.

**SATURDAY, April 28, 1781.**

A report of the board of war on a memorial of the officers of col. Baldwin's regiment of artificers, was read ; Whereupon,

**Resolved**, That it be recommended to the states to which they respectively belong, to make up the depreciation of their pay according to the real value of their wages at the time of their establishment, to the officers and men now or late of the regiment of artificers commanded by col. Baldwin.

**MONDAY, April 30, 1781.**

A report from the board of war on a memorial of Elijah Weed, keeper of the state prison, was read ; Whereupon,

**Resolved**, That the pay of the keeper of the state prison, and the officers employed under him, be fixed in specie, as follows :

The keeper, two dollars per day ; an assistant, one dollar per day ; a turnkey, 2-3ds of a dollar.

**WEDNESDAY, May 2, 1781.**

A letter, of the 1st, from the board of war, was read, informing that, by the death of col. Flower, the place of commissary-general of military stores is vacant.

On the report of a committee, consisting of Mr. Matthews, Mr. Atlee, Mr. Walton, to whom was referred a letter of the 19th April, from brigadier-general Moultrie, enclosing a memorial from the officers belonging to the states of South-Carolina and Georgia, and to Pulaski's and Armand's legionary corps, now prisoners in Charleston :

**Ordered**, That the board of war take immediate measures for remitting to Charleston 600 hogsheads of the tobacco now in the commonwealth of Virginia, belonging to the United States, for the use of the above mentioned prisoners of war, and such of the militia of the states of South-Carolina and Georgia, as were actually taken in arms, and remain prisoners of war :

That the board of war appoint a proper person to dispose of the tobacco in Charleston, with orders to render, as soon as may be, an account of the sales, to be lodged with the board of treasury.

On motion of Mr. Duane, seconded by Mr. Matthews,  
*Resolved*, That lieutenant-colonel Fleury be permitted to remain on furlough until Congress shall otherwise direct.

FRIDAY, *May 4*, 1781.

On the report of a committee, consisting of Mr. Duane, Mr. Ward, Mr. Bland, to whom was referred a letter of March 16th, 1780, from Dr. Franklin, and a memorial of Thomas Hutchins:

*Resolved*, That Thomas Hutchins be appointed geographer to the southern army, with the same pay and emoluments as are allowed to the geographer to the main army.

MONDAY, *May 7*, 1781.

A letter, of April 26th, from J. Deshon, one of the navy board, eastern department, was read, requesting leave to resign:

*Ordered*, That his resignation be accepted.

*Ordered*, That the specie certificates to be issued for the balance of accounts liquidated in specie value, pursuant to the resolution of the 26th day of April last, be made payable in one year from the time of issuing the same.

TUESDAY, *May 8*, 1781.

A report from the board of war, on the memorial of the Rev. Mr. Rogers, was taken into consideration; and, thereupon,

*Resolved*, That the commander in chief be, and he is hereby, authorized and directed to arrange the brigade chaplains of the several state lines serving with the army, and the commanding general of the southern army those of the line serving with that army; so as to retain in service no more chaplains of each line than are equal to the number of brigades:

That every chaplain deemed and certified to the board of war to be supernumerary, be no longer continued in service, and be entitled to have their depreciation made good, and to the half-pay of captains for life.

A report of the board of war on the letter of the 1st, from the commander in chief, was read; Whereupon,

*Resolved*, That the commanding general at West-Point, for the time being, receive the extra allowance granted by Congress to an officer commanding a separate department, until the further order of Congress.

On motion of Mr. Bland, seconded by Mr. Witherspoon,

*Resolved*, That the state of Connecticut be requested to use every possible exertion to re-mount col. Sheldon's regiment, and to equip them with such accoutrements as they can furnish them with, to enable them to take the field.

The president informed the house that he was under a necessity to return home, and therefore desired leave of absence; Whereupon,

*Ordered*, That Thursday next be assigned for electing a president.

THURSDAY, *May 10*, 1781.

*Resolved*, That the order of the day for electing a president be postponed.

MONDAY, *May 14*, 1781.

Mr. Jenifer, a delegate for Maryland, attended and took his seat.

Mr. Livermore, a delegate for New-Hampshire, attended and produced the credentials of his appointment, which were read.

A letter, of the 14th, from R. Morris, was read, signifying his acceptance of the office of superintendent of finance.

On the report of a committee, consisting of Mr. Witherspoon, Mr. Bland, and Mr. Carroll, to whom was referred a letter of the 8th, from general Washington,

*Resolved*, That it be earnestly recommended to the executive authority in the several states, from New-Hampshire to Pennsylvania, inclusive, to forward on to each place, as the quarter-master general shall direct, at the expense of the respective states, in the first instance, all such supplies of provisions as they have been called upon to furnish by the resolution of Congress, of 4th November last; and that all such necessary expense as any of the said states are at in transporting the provisions aforesaid, shall be placed to the credit of the states respectively.

TUESDAY, *May* 15, 1781.

The committee on the letter of the 8th, from gen. Washington, delivered in a further report; Whereupon,

*Ordered*, That the board of admiralty deliver to the order of the commander in chief ten of the heavy cannon imported for the seventy-four gun ship at Portsmouth, for the use of the garrison at Rhode-Island.

Congress proceeded to the election of officers in the hospital department for the southern army, and the ballots being taken, Dr. David Oliphant was elected deputy director; Peter Fayssou chief physician of the hospital; James Brown chief physician of the army; Robert Johnston and William Reed, hospital physicians; having been previously nominated by Mr. Matthews.

A report of the medical committee was taken into consideration; Whereupon,

*Resolved*, That all such officers of the medical department, appointed under the directorship of Dr. Oliphant, as are now in captivity in South-Carolina and Georgia, and have the charge of the sick prisoners in those states, be continued in their respective offices as heretofore, and be considered as vested with the same power, and entitled to the same privileges and emoluments, as they had and enjoyed before their captivity, to extend no further than to the troops and hospitals within the enemy's lines.

On the report of a committee, consisting of Mr. Bland, Mr. Carroll, Mr. Vandyke, to whom was referred a motion of Mr. Madison,

*Ordered*, That warrants issue in favor of John Pierce, pay-master general, upon the loan-offices of the states of Delaware, Maryland, and Virginia, in bills of the new emission, arising from the four-tenths of the 10,000,000 issued in pursuance of the act of the 18th March, 1780, and that the same be applied to the paying the lines of the said states respectively, viz. on the commissioner of the continental loan-office for the state of Delaware, for 25,863 dollars; on the commissioner of the continental loan-office for the state of Maryland, for 125,143 dollars; and on that for the state of Virginia, for 237,279 dollars; for which sums the said J. Pierce, pay-master general, is to be accountable.

WEDNESDAY, *May* 16, 1781.

A letter, of the 16th, from E. Forman, was read; Whereupon,

The report of the committee, consisting of Mr. Jones, Mr. Sullivan, Mr. Root, to whom was referred the complaint exhibited by the treasurer of loans against the commissioners of the board of treasury, together with the reports of the committee on that subject, was called for; and the same being read, was accepted and ordered to be entered on the journal.

The report is as follows: "That on the first of April, 1780, the treasury board, consisting of two members of Congress and one commissioner, ordered the following advertisement to be published, viz. "For the information of such persons as have business with the board of treasury of the United States, notice is given, that the hours appointed to receive applications, are from twelve at noon to two, and from four to five in the afternoon:" and on the 24th June, 1780, the treasury board, consisting of two members of Congress and three commissioners, ordered that the treasurer of loans transmit to the



board of treasury all applications from the several loan-offices for loan-office certificates, bills of exchange, or other thing appertaining to their respective offices, or certified copies of such applications. Your committee find that the establishment of the aforesaid regulations, which appear to have been adopted for good purposes, and the endeavors of the commissioners to carry them into effect, gave rise to the imputation of undue pride and insolence of office contained in the first article. With respect to the second article of charge, for issuing absurd and incorrect orders, your committee find that the mistakes and errors referred to, were timely rectified without any injury to the public, appear to have been accidental, and mostly owing to some inaccuracies in the official returns made to the board.

“ Your committee further find, that the state of the treasury, and the many large drafts upon it, often make it necessary, in particular emergencies, that preference should be given to some warrants in order to save the public from suffering the most essential injury ; and that the board of treasury, for the purpose aforesaid, did exercise a controlling power over payments at the treasury, which appears to be the ground of the charge contained in the third article.

“ Your committee further find, that the treasurer of loans, pursuant to the orders of the board of treasury, made return of all loan-office certificates received and issued by him, with the times when, and persons to whom, and also of all those which remained on hand, which return is dated the 17th of March, 1780 : that one of the commissioners afterwards made this entry at the foot of one of the columns of 200 dollars, viz. “ March 29th, So. Ca. 250 ;” which appears to have been done without any design or scarcely a possibility of injuring any person thereby, but merely for the purpose of having the whole in one view ; which is all the evidence in support of the 4th article, which is for interlining and altering accounts filed in the records of their office.

“ Upon the whole, your committee are of opinion, that none of the articles of charge aforesaid against the commissioners of the board of treasury are supported, and that they ought to be acquitted therefrom.

#### THURSDAY, *May* 17, 1781.

A report of the board of admiralty, to whom was referred a memorial from the honorable minister of France, was taken into consideration ; Whereupon, it was resolved as follows :

Whereas the honorable the minister of France hath represented to us that the precautions pointed out in the resolution of Congress of the 11th November, 1780, are insufficient to prevent the abuse which the British may make of papers or clearances they may take in American prizes, if confined to vessels of war, and not extended to merchant vessels, and in general all vessels despatched from the United States ; therefore,

*Resolved*, That it be, and hereby is, recommended to the legislatures of the several states, that they enact laws as soon as may be, ordering the naval officers in their respective ports, to require the master and chief mate of all vessels, unarmed as well as armed, which shall be despatched from their respective ports, to undersign their clearances in the presence of the naval officer of the port ; who is also to insert on the back of the clearance, a minute description of the persons of the master and his mate, with their age, stature, complexion, &c. respectively, and to certify the same under his signature and seal of office.

A report of the board of war on letters and papers of lieutenant-colonel Dericks, was taken into consideration ; Whereupon,

*Resolved*, That lieut. col. Dericks be informed, that although Congress have received the most satisfactory proofs of his zeal and capacity to serve

these United States, it is impracticable to employ him in the service of these states consistent with the arrangement of the army: that his account for pay and subsistence be settled by the board of treasury in specie value, up to this day; and that the board of treasury take order for the payment of the balance that shall be found due to him, together with a sum equal to one year's pay; and that from henceforward he be no longer entitled to pay and subsistence, pursuant to the resolution of December 29th, 1779.

The report of the committee of commerce, on the accounts of Stephen Ceronio, was taken into consideration; Whereupon,

*Ordered*, That the board of treasury pass 55,650 livres of St. Domingo, to the credit of Stephen Ceronio, being the balance of his accounts as continental agent at the Cape, to bear an interest of six per cent. per annum from this day until paid.

FRIDAY, May 18, 1781.

A motion was made by Mr. Madison, seconded by Mr. Jones,

That the board of war be, and hereby are, directed to transmit to brigadier-general Wayne, copies of the intelligence received yesterday, relating to the sailing of the British fleet from New-York; and that gen. Wayne be, and he is hereby, authorized and directed, in case the supplies of provisions and forage, necessary for the immediate march of the detachment under his command to the southern department cannot be otherwise obtained, to impress the same, and to report the amount thereof to the executives of the states within which the same shall be taken; such states to be credited therefor as part of the specific supplies due on the requisitions of Congress.

On which the yeas and nays being required by Mr. J. Jones,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	} ay	<i>Virginia</i> , Mr. Jones,	ay	} ay
	Livermore,			Madison,	
<i>Massachusetts</i> , Mr. Lovell,	ay	} ay		Bland,	} ay
	Ward,			M. Smith,	
<i>Rhode-Island</i> , Mr. Varnum,	ay	} *	<i>N.-Carolina</i> , Mr. Sharpe,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	ay			Johnson,	
<i>Pennsylvania</i> , Mr. Atlee,	no	} no	<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
	Clymer,			Bee,	
	T. Smith,			Eveleigh,	
<i>Maryland</i> , Mr. Carroll,	ay	} ay	<i>Georgia</i> , Mr. Few,	ay	} ay
	Jenifer,			Howly,	

So it was resolved in the affirmative.

MONDAY, May 21, 1781.

On the report of a committee, consisting of Mr. Sullivan, Mr. Varnum and Mr. Atlee, to whom was referred a letter of the 18th, from major-gen. Gates:

*Resolved*, That the resolutions of the 5th of October last, directing a court of enquiry to be held on the conduct of major-general Gates, as commander of the southern army; and directing the commander in chief to appoint an officer to command the southern army in the room of general Gates, until such enquiry be made; did not operate as a suspension of general Gates from his command in the line of the army at large, as a major-general; and, as from the situation of affairs in the southern department, such court of enquiry cannot be speedily held, that major-general Gates be informed, that he is at liberty to repair to head-quarters, and take such command as the commander in chief shall direct.

TUESDAY, May 22, 1781.

The report of a committee, consisting of Mr. Witherspoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer, appointed to devise further ways and means to carry on the present campaign, &c. was taken into consideration; and the clause being under debate, where the states are to be informed, "That it is

expected they will severally direct their treasurers to accept the bills that may be drawn upon them by the treasurer of the United States as soon as presented, and take effectual measures to enable their respective treasurers to pay them punctually as they become due, "in real efficient money, that is to say, either in silver and gold, or in paper equivalent thereto, according to the common rate or difference between such paper and silver in the course of dealings in their respective states at the time of payment."

On the question to agree to the latter part of this clause, from the word "due" to the end, the yeas and nays being required by Mr. T. Smith,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Virginia,</i>	Mr. Jones,	no	}	no
	Livermore,	no				Madison,	no		
<i>Massachusetts,</i>	Mr. Lovell,	no	}	no		Bland,	no		
	Ward,	no				M. Smith,	ay		
<i>Connecticut,</i>	Mr. Huntington,	no	}	*	<i>N.-Carolina,</i>	Mr. Sharpe,	ay	}	ay
<i>New-Jersey,</i>	Mr. Witherspoon,	no				Johnson,	ay		
<i>Pennsylvania,</i>	Mr. Atlee,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Matthews,	ay	}	no
	Clymer,	ay				Motte,	no		
	T. Smith,	ay				Eveleigh,	no		
<i>Maryland,</i>	Mr. Jenifer,	no	}	no	<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	Carroll,	no				Few,	ay		
						Howly,	ay		

So it passed in the negative.

The report being farther debated, was agreed to as follows:

*Resolved,* That the whole debts already due by the United States, be liquidated as soon as may be to their specie value, and funded, if agreeable to the creditors, as a loan upon interest: that the states be severally informed, that the calculations of the expenses of the present campaign are made in solid coin, and consequently that the requisitions from them respectively, being grounded on those calculations, must be complied with in such manner as effectually to answer the purpose designed: that experience having evinced the inefficacy of all attempts to support the credit of paper-money by compulsory acts, it is recommended to such states, where laws making paper bills a tender yet exist, to repeal the same:

That the states be further informed, that the exigency and situation of public affairs is such, that any further delay in complying with the requisitions of Congress must prove ruinous; and that therefore the treasurer of the United States is directed immediately to draw orders on the treasurers of the several states, payable at thirty days sight, for their respective quotas of the 3,000,000 of dollars, called for on the 26th day of August, 1780, and which was to have been paid into the continental treasury on or before the last day of December last; and that he will in like manner continue to draw orders on them for their respective quotas of the sums called for by the acts of the 4th November and 16th March last, as they become due; and that it is expected the states will severally direct their treasurers to accept those orders as soon as presented, and take effectual measures to enable their respective treasurers to pay them punctually as they become due:

That the board of war be, and they are hereby directed to estimate the supplies of the northern and southern army in rations, specifying of what a ration is to consist; and that proposals be taken in for supplying these at a stipulated price in gold and silver, by a contract or contracts, from the 1st of July next to the 1st day of January, 1782:

That a right be made out to the contractor or contractors, to receive the specific supplies required by Congress, at such price as shall be agreed on, in part payment of the stipulations in the contracts.

WEDNESDAY, May 23, 1781.

The report of a committee, consisting of Mr. Bland, Mr. Matthews, Mr. Howly, appointed to confer with the board of war, was taken into consideration; and, on the question to agree,

That the board of war be authorized to remove the convention prisoners, to such place or places in the commonwealth of Massachusetts as they shall think proper, the yeas and nays being required by Mr. Ward,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	} div.	<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Livermore,	ay			Madison,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	no	} no		Bland,	ay	} ay
	Ward,	no		<i>N.-Carolina,</i>	Mr. Sharpe,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *		Johnson,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	ay		<i>S.-Carolina,</i>	Mr. Matthews,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay		Bee,	ay	} ay
	Clymer,	ay			Eveleigh,	ay	
	T. Smith,	no	} ay	<i>Georgia,</i>	Mr. Few,	ay	} ay
<i>Maryland,</i>	Mr. Jenifer,	ay			Howly,	ay	
	Carroll,	ay					

So the question was lost.

A motion was made by Mr. Bland, seconded by Mr. Clymer,

That the board of war take order to remove the convention troops, in such manner and to such place as they think most conducive to the good of the union in general.

On which the yeas and nays being required by Mr. Bland,

<i>N.-Hampshire,</i>	Mr. Sullivan	ay	} ay	<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Livermore,	ay			Madison,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} div.		Bland	ay	} ay
	Ward,	no			M. Smith,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *	<i>N.-Carolina,</i>	Mr. Sharpe,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	ay			Johnson,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay	<i>S.-Carolina,</i>	Mr. Matthews,	ay	} ay
	Clymer,	ay			Bee,	ay	
	T. Smith,	ay	} ay		Eveleigh,	ay	} ay
<i>Maryland,</i>	Mr. Carroll,	ay		<i>Georgia,</i>	Mr. Few,	ay	
	Jenifer,	ay			Howly,	ay	

So it was resolved in the affirmative.

*Resolved,* That the states through which they may pass, be requested to furnish the necessary guards, and to supply the said prisoners and guards with provisions through their respective states to the place or places to which they are removed.

THURSDAY, May 24, 1781.

A report from the board of admiralty on the petition of Dumaine and Lyon, was taken into consideration; Whereupon,

*Resolved,* That a copy of the said petition be transmitted to the minister plenipotentiary of these United States at the court of Spain; and that he be directed to represent the matter to the said court, and take such measures as he may judge expedient to obtain an order to the judge of the admiralty of Teneriffe, to deliver the whole amount of the sales of the prize therein mentioned, to the owners of the brigantine Brilliant, their agent or attorney, for the use of the said owners and the captors.

On the report of a committee, consisting of Mr. Matthews, Mr. Carroll, Mr. Clymer, to whom was referred a letter of 22d April from major-general the marquis de la Fayette:

*Resolved,* That Congress entertain a just sense of the patriotic and timely exertions of the merchants of Baltimore, who so generously supplied the marquis de la Fayette with about 2000 guineas, to enable him to forward the detachment under his command:

That the marquis de la Fayette be assured that Congress will take proper measures to discharge the engagements he has entered into with the merchants.

FRIDAY, May 25, 1781.

*Ordered,* That the resignation of Dr. Hagan be accepted.

On the report of a committee, consisting of Mr. Jones, Mr. Carroll, Mr. Sullivan, to whom was referred a letter from gov. Lee, of Maryland, of the 10th:

*Ordered*, That the board of war take measures for obtaining permission to send into New-York and Charleston, at the common expense, such quantities of tobacco as will be sufficient to discharge the arrears due from the American prisoners, who have been or are now in confinement, and for the future support of such as now are or hereafter may be in the power of the enemy; and report, from time to time, the quantities of tobacco necessary for these purposes.

A report from the board of war was read; Whereupon,

*Ordered*, That the board of admiralty assign to Samuel Hodgdon, assistant-commissary general of military stores, the bond or note given for the purchase-money of the cannon sold to sundry merchants of Philadelphia; and that the said Samuel Hodgdon collect and pay the monies due thereon, to the iron-masters who have cast shot and shells for the United States, in proportion to their respective demands.

On the report of a committee, consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland, to whom was referred a letter of 20th December last, from the commander in chief:

*Resolved*, That battalion promotions in the infantry, to the rank of commanding-officer inclusive, where such battalion is annexed to any state, shall be in the line of such state:

That in regiments of infantry or legionary corps, not annexed to particular states, promotions to the rank of commanding-officer inclusive, be regimental or legionary;

That promotions in the cavalry and artillery, be regimental to the rank of commanding-officer inclusive:

That the promoting of battalion officers to the rank of brigadiers, be confined to the following districts, in each of which brigadiers, when necessary, shall be made from the senior officer of that district, without regard to any particular state:

That New-Hampshire and Massachusetts, be entitled to four brigadiers; Rhode-Island and Connecticut, two brigadiers; New-York and New-Jersey, including colonel Hazen's regiment, two brigadiers; Pennsylvania, two brigadiers; Delaware and Maryland, two brigadiers; Virginia, three brigadiers; North-Carolina, one brigadier; South-Carolina and Georgia, one brigadier:

That whenever a brigadier shall be wanting for the troops of either of those districts, he shall be made from the senior battalion officer without regarding the state to which he belongs:

That in the cavalry and artillery, brigadiers shall be made from the eldest regimental-officers in those corps respectively:

That major-generals shall be made from the eldest brigadiers in the army, whether belonging to the infantry, cavalry or artillery:

That all brigadiers hereafter to be made, shall have relative rank respecting each other, agreeable to the date of their last battalion commission, priority of appointment notwithstanding:

That Trench Tilghman, esq. receive the commission of lieutenant-colonel in the line of the army and take rank from the 1st April, 1777:

That Dr. James M. Henry receive the commission of major in the army of the United States, to take rank from the 30th of October last:

That officers not annexed to any line, serving in the family of the commander in chief, and those serving as aids-de-camp with other general officers, retain the rank they now hold, and shall be eligible to command upon detachments when the commander in chief, or commanding-officer of a department, shall think proper:



That all officers who are hostages, and are liable to be called for by the enemy, and are not continued in the line of any state, shall be entitled to their full pay until redeemed, and to half-pay for life afterwards, in the same manner as officers of equal rank reduced by the late arrangement: and that it be recommended to the respective states, in the line of which they were at the time of their becoming hostages, to make good to them their depreciation, and also to pay them such sums as are or may become due to them, and charge the same to the United States:

That lieutenant-colonels commandants of battalions be not considered in different grades from other lieutenant-colonels of the line.

SATURDAY, *May* 26, 1781.

On the report of a committee, consisting of Mr. Witherspoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer, to whom was referred a letter from Mr. R. Morris, with the plan of a bank:

*Resolved*, That Congress do not approve of the \*plan for establishing:

*\* Plan for establishing a national bank for the United States of North-America.*

I. That a subscription be opened for 400,000 dollars, in shares of 400 dollars each, to be paid in gold or silver.

II. That the subscription be paid into the hands of George Clymer and John Nixon, esqrs. or their agents.

III. That every subscriber of less than five shares, pay the whole sum on the day of his subscription.

IV. That every subscriber of five shares, or upwards, pay one-half the sum on the day of his subscription, and the other half within three months of that day.

V. That every holder of a share shall be entitled to vote by himself, his agent, or proxy properly appointed, at all elections of directors, and that he have as many votes as he holds shares; and that every subscriber may sell or transfer his share or shares at his pleasure, the transfer being made in the bank books, in presence and with the approbation of the proprietor, or his lawful attorney, the purchaser then to become entitled to the right of voting, &c.

VI. That there be twelve directors chosen from among those entitled to vote, who, at their first meeting, shall choose one as president.

VII. That there be a meeting of the directors quarterly, for the purpose of regulating the affairs of the bank; any seven of the directors to make a board, and that the board have power to adjourn from time to time.

VIII. That the board of directors determine the manner of doing business, and the rules and forms to be pursued, appoint the various officers which they may find necessary, and dispose of the money and credit of the bank for the interest and benefit of the proprietors, and make, from time to time, such dividends, out of the profits, as they may think proper.

IX. That the board be empowered, from time to time, to open new subscriptions, for the purpose of increasing the capital of the bank, on such terms and conditions as they shall think proper.

X. That the board shall at every quarterly meeting, choose two directors to inspect and control the business of the bank for the ensuing three months.

XI. That the inspectors so chosen, shall on the evening of every day, Sundays excepted, deliver to the superintendent of the finances of America, a state of the cash account and of the notes issued and received.

XII. That the bank notes, payable on demand, shall by law be made receivable in the duties and taxes of every state in the union, and from the respective states by the treasury of the United States as specie.

XIII. That the superintendent of the finances of America shall have a right, at all times, to examine into the affairs of the bank, and for that purpose shall have access to all the books and papers.

XIV. That any director or officer of the bank, who shall convert any of the property, monies or credits thereof to his own use, or shall any other way be guilty of fraud or embezzlement, shall forfeit all his share or stock to the company.

XV. That laws shall be passed making it felony without benefit of clergy, to commit such fraud or embezzlement.

XVI. That the subscribers shall be incorporated under the name of "the president, directors and company of the bank of North America."

XVII. That none of the directors shall be entitled to any pecuniary advantage for his

national bank in these United States, submitted to their consideration by Mr. R. Morris, the 17th May, 1781; and that they will promote and support the same by such ways and means, from time to time, as may appear necessary for the institution and consistent with the public good:

That the subscribers to the said bank shall be incorporated agreeably to the principles and terms of the plan, under the name of "the president, directors and company of the bank of North-America," so soon as the subscription shall be filled, the directors and president chosen, and application for that purpose made to Congress by the president and directors elected.

On the question to agree to this paragraph, the yeas and nays being required by Mr. T. Smith,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	} ay	<i>Virginia</i> , Mr. Jones,	ay	} ay
	Livermore,			Madison,	
<i>Massachusetts</i> , Mr. Lovell,	no	} no		Bland,	
	Ward,			M. Smith,	
<i>Rhode-Island</i> , Mr. Varnum,	ay	} *	<i>N.-Carolina</i> , Mr. Sharpe,	ay	} ay
<i>Connecticut</i> , Mr. Huntington,	ay			Johnson,	
<i>New-Jersey</i> , Mr. Witherspoon,	ay	} ay	<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
	Houston,			Bee,	
<i>Pennsylvania</i> , Mr. Clymer,	ay	} div.		Motte,	
	T. Smith,		<i>Georgia</i> , Mr. Walton,	ay	} ay
<i>Maryland</i> , Mr. Jenifer,	ay	} ay		Few,	
	Carroll,			Howly,	ay

So it was resolved in the affirmative.

*Resolved*, That it be recommended to the several states by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said states respectively during the war.

*Resolved*, That the notes hereafter to be issued by the said bank, payable on demand, shall be receivable in payment of all taxes, duties and debts due, or that may become due or payable to the United States:

*Resolved*, That Congress will recommend to the several legislatures to pass laws, making it felony without benefit of clergy, for any person to counterfeit bank notes, or to pass such notes, knowing them to be counterfeit; also making it felony without benefit of clergy, for any president, inspector, director, officer or servant of the bank, to convert any of the property, money or credit of the said bank to his own use, or in any other way to be guilty of fraud or embezzlement as an officer or servant of the bank.

On the report of a committee, consisting of Mr. Jones, Mr. Jenifer, Mr. Matthews, to whom were referred letters from major-general Greene:

*Ordered*, That a copy of major-general Greene's letter of 22d April, be transmitted to the executives of the states from New-Hampshire to New-Jersey, both inclusive; that the said states respectively may have before them, as fully as the same is communicated to Congress, the dangerous situation of the southern states; and from a knowledge of their circumstances, and consideration of their distress, may be prompted to make the utmost exertions for sending forward to the main army their quotas of men, agreeably to the requisitions of Congress of the 3d and 21st day of October last, whereby alone the commander in chief can be enabled to give effectual succour to the southern states and prosecute with vigour the operations of the ensuing campaign.

attendance on the duties of his office as director, or as president or inspector, unless an alteration in this respect, shall hereafter be made, by the consent of a majority of the stock-holders at a general election.

XVIII. That as soon as the subscription shall be filled, George Clymer and John Nixon, esqrs. shall publish a list of the names and sums respectively subscribed, with the place of abode of the subscribers, and appoint a day for the choice of directors, to whom, when chosen, they shall deliver over the money by them received.

On the report of a committee, consisting of Mr. Varnum, Mr. Motte, Mr. Carroll, to whom was referred a letter of J. Howell, auditor of accounts in the main army :

*Resolved*, That the officers of the flying camp, lately returned from captivity, be allowed depreciation by their respective states, in the same manner as officers of the line in such states :

That in settling the accounts of officers returned from captivity, and who are entitled to the benefit of the resolutions of the 24th November, 1778, and 22d May, 1779, the auditors allow the year's pay mentioned in said resolutions in bills of the new emission, issued agreeably to the resolution of 18th March, 1780, and which shall be paid by the pay-master general :

That auditors of the army cannot take notice of breaches of parole till the same be ascertained by courts-martial, and that the pay of such officers will vary from that of other officers, according to the sentence, and not otherwise.

MONDAY, May 28, 1781.

A report from the board of war was read ; Whereupon,  
*Ordered*, That all the duck of whatever description, belonging to the United States, in the hands of the continental agent at Boston, be delivered to the quarter-master general, or his order ; that so much thereof as is suitable may be made up into tents, and the residue, except so much as is necessary for other uses in the quarter-master general's department, be exchanged for light duck or other materials fit for tents, and the materials produced by such exchange, be immediately made up into tents for the use of the army.

On motion of Mr. Varnum, seconded by Mr. Bland,

*Ordered*, That the medical committee be discontinued, and that the committee lodge with the board of war all the returns and papers in their possession, and then be discharged ; and that the business heretofore entrusted to them, and the powers with which they were invested, be transferred to the board.

A report from the board of treasury was read, stating, " that in consequence of the act of 5th September last, certificates of certain denominations to the amount of 1,000,000 of dollars, were printed and signed : that by the act of the 26th April last, the certificates aforesaid being directed to be issued for balances of accounts liquidated in specie value, it became necessary to print other certificates blank, in order that the precise balances might be filled up ;" Whereupon,

*Ordered*, That the treasurer of loans sign such other certificates, under the act of 5th September, 1780, and 26th April last, and of 7th and 22d inst. as the board of treasury shall direct, the amount of the respective balances being sent with such directions, and first inserted, such certificates to be countersigned by the commissioner of the continental loan-office where the claimant or claimants may choose to have the interest made payable.

On motion of the delegates of Pennsylvania,

*Resolved*, That Tench Francis be added to Mr. Thomas Smith and Mr. Richard Bache ; and that any one of them be authorized, on behalf of the United States, to sign the bills of credit issued by the commonwealth of Pennsylvania, pursuant to the act of Congress of 18th March, 1780.

TUESDAY, May 29, 1781.

The committee of the week delivered in a report ; Whereupon,

*Ordered*, That the letter of 9th, signed by A. Fowler and others, at Pittsburg, be transmitted to the commander in chief, with the other papers respecting the conduct of the commanding officer of that post.

A report from the board of treasury was read ; Whereupon,

*Ordered*, That the sum of 224 63-90 and 6-8ths, specie value, being due

to certain claimants for attending a court-martial upon the trial of colonel Mason, colonel Smith, and major Eayers, as presented by the select-men of Springfield, be passed to the credit of the state of Massachusetts; and that the board of treasury furnish the executive of the said state with a copy of this order, that the several claimants may receive payment from the said state.

The report of the committee to whom was referred the report of the board of treasury on the accounts of Arthur Lee, was taken into consideration; Whereupon,

*Ordered*, That in the settlement of Mr. A. Lee's accounts, the board of treasury admit as vouchers, bills of lading and invoices, which shew that merchants of character have shipped the contents: where such cannot be produced, that they admit receipts or other papers which charge the consignee or other competent person at the port of delivery: that they admit the banker's accounts which charge the bank with the credit given for cash deposited, and undertake, if required, to vouch the particular payments which are entered to Mr. Lee's debt, as commissioner of the United States: and where no vouchers under the foregoing descriptions are produced, that the accounts be left open in order to give an opportunity for completing the vouchers:

That the accounts for expenses be stated so as to distinguish between ordinary and extraordinary; that the latter be stated particularly for the consideration of Congress, giving credit for the articles delivered up to the public at first cost, and that the former be stated generally, and that no other voucher be required for either than the word of honor of the said A. Lee, late minister:

That with respect to the charge for moneys disbursed on account of the state of Virginia, it be admitted to Mr. Lee's credit, whenever the state of Virginia shall signify that they admit themselves to be debited therewith.

#### WEDNESDAY, *May* 30, 1781.

The board of admiralty, to whom was referred the memorial of Jozeda Fonseca Soares de Figuerido, report,

That the proper mode for the memorialist to obtain redress of any injuries he may have sustained, either in his property or person, from capt. Sampson, is by prosecution in due course of law; and that a letter should be written by the president to the supreme executive of the state of Massachusetts, enclosing a copy of the said memorial, and a copy of the proclamation issued by Congress, May 9th, 1778; and recommending to the said executive to give all such countenance, protection and assistance to the memorialist, in his attempts to obtain legal satisfaction for the injuries alleged in his memorial to have been done to him personally and in his property by capt. Sampson, as becomes the United States respectively to give to the subjects of neutral powers, who shall complain of a violation of the rights of neutrality.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favor of Samuel Hodgdon, assistant-commissary gen. of military stores, for 11,266 1-3 dollars, in bills of the new emission, for the purpose of furnishing arms and other articles for the use of the state of Virginia, the said Samuel Hodgdon to be accountable; and that the supplies furnished be charged to the said state of Virginia.

#### THURSDAY, *May* 31, 1781.

On a report of the board of treasury,

*Ordered*, That on the application of the hon. the delegates for the state of Virginia, upon an estimate furnished by George Nicholson for David Ross, agent for the said state, a warrant issue on Thomas Smith, commissioner of

the continental loan-office for the state of Pennsylvania, in favor of the said George Nicholson, for 10,000 dollars of the new emission, for the purpose of paying for the repairs of arms and other purposes in the said estimate set forth, the said state of Virginia to be accountable.

The committee, consisting of Mr. Varnum, Mr. Atlee, Mr. Bland, to whom was re-committed their report on the motion of Mr. Bland; and who were directed to confer with the board of war, delivered in a report; Whereupon, it was resolved as follows:

Whereas the British king, regardless of the rights of mankind, and of the United States in particular, continues the ravages of war with relentless fury; and whereas the enemy's force is principally operating in the states of Virginia, the Carolinas and Georgia; and whereas the deficiency of the continental regular lines, makes it absolutely necessary to call forth a respectable body of militia, till those lines be completed; it is therefore earnestly recommended to the state of Pennsylvania, immediately to raise, arm, accoutre and equip for the field, four battalions of infantry, each battalion to consist of nine companies of 64 rank and file each: also a company of artillery, consisting of 32 matrosses; and a corps of horse, consisting of 64 troopers; each corps to be officered as near as may be to similar corps in the continental army, according to the establishment of the 3d and 21st October, 1780: It is also earnestly recommended to the state of Delaware, to immediately raise, arm, equip and accoutre for the field, one battalion of infantry, consisting of nine companies of 64 rank and file each; and a corps of horse, consisting of 32 troopers; to be officered in manner aforesaid: It is also earnestly recommended to the state of Maryland, immediately to raise, arm, equip and accoutre for the field, two battalions of infantry, consisting of nine companies of 64 rank and file each; and a corps of cavalry of 64 troopers; to be officered in the manner aforesaid. And it is further recommended to the states of Pennsylvania, Delaware and Maryland, to cause the said troops, as soon as raised, armed, accoutred and equipped, as aforesaid, to be marched by detachments or otherwise, to such place or places as the commander in chief shall direct, to remain in service for and during the space of three months, from the time of their respectively rendezvousing at the place or places directed, unless sooner discharged by Congress or the commander in chief, and to be subject to the orders of the said commander in chief. And be it ordained by the United States in Congress assembled, that the troops aforesaid shall receive the same pay, rations and subsistence, as the troops of the army of the United States.

SATURDAY, *June 2*, 1781.

On motion of Mr. Houston, seconded by Mr. Atlee,

*Resolved*, That all bills of credit which issue in pursuance of the act of the 18th March, 1780, in any of the states, after the expiration of one year from the time the interest on such bills begins to be computed, be marked by writing or stamping before they are issued, with the words or character, *Int. pd. 1 year*.

That such of the said bills as have already issued, or may issue in the course of a year from the time interest begins to be computed on them, be, when such interest is paid, marked in like manner, to prevent the necessity and expense of exchanging them:

That where any state hath adopted similar adequate provisions, these shall not operate:

That the several states suspend, as far as possible, the issuing of such part of their respective quotas of the said bills as remain to be issued.

On the question to agree to this last, the yeas and nays being required by Mr. Bland,



<i>N.-Hampshire,</i>	Mr. Sullivan,	ay	}	ay	<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Livermore,	ay				Madison,	ay		
<i>Massachusetts,</i>	Mr. Lovell,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Sharpe,	ay	}	ay
	Ward,	ay				Johnson,	ay		
<i>Rhode-Island,</i>	Mr. Varnum,	ay	}	*	<i>S.-Carolina,</i>	Mr. Matthews,	no	}	ay
<i>Connecticut,</i>	Mr. Huntington,	ay				Bee,	ay		
<i>New-Jersey,</i>	Mr. Houston,	ay	}	ay		Motte,	ay		
<i>Pennsylvania,</i>	Mr. Atlee,	ay				Eveleigh,	ay		
	Clymer,	ay	}	*	<i>Georgia,</i>	Mr. Few,	ay	}	ay
<i>Maryland,</i>	Mr. Jenifer,	ay				Howly,	ay		

So it was resolved in the affirmative.

A motion was made, that after the word "issued" be added, "until further measures be taken to secure their value."

On the question to agree to this, the yeas and nays being required by Mr. Bland,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Livermore,	no				Madison,	no		
<i>Massachusetts,</i>	Mr. Lovell,	no	}	no	<i>N.-Carolina,</i>	Mr. Sharpe,	no	}	no
	Ward,	no				Johnson,	no		
<i>Rhode-Island,</i>	Mr. Varnum,	no	}	*	<i>S.-Carolina,</i>	Mr. Matthews,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	no				Bee,	no		
<i>New-Jersey,</i>	Mr. Houston,	no	}	no		Motte,	no		
<i>Pennsylvania,</i>	Mr. Atlee,	no				Eveleigh,	no		
	Clymer,	no	}	no	<i>Georgia,</i>	Mr. Few,	no	}	no
	T. Smith,	no				Howly,	no		
<i>Maryland,</i>	Mr. Jenifer,	no	}	*					
		no							

So it passed in the negative.

MONDAY, June 4, 1781.

Mr. Sherman and Mr. Ellsworth, two delegates for the state of Connecticut, attended, and took their seats; the former having produced his credentials, which were read.

A letter, of this day, from R. Morris, was read; Whereupon,

*Resolved,* That the disposition and management of that part of the money, granted by his most Christian majesty to these United States, which is to be employed in America, be committed to the superintendent of finance, that it may be applied to the purposes for which it was granted, namely, a vigorous prosecution of the present campaign:

That what remains unsold of the bills of exchange drawn by order of Congress on the ministers plenipotentiary of these United States respectively at Versailles, Madrid, and the Hague, be also committed to the superintendent of finance, to be by him disposed of for the purpose above mentioned: provided, that none of the bills drawn upon the ministers at Madrid and the Hague, be sold until he shall have assurances that funds are provided for paying them:

That the said superintendent of finance be, and he is hereby, vested with full powers to dispose of the specific supplies required from the several states by the act of the 4th November last, as well as what yet remain to be furnished, agreeably to the requisition of the 25th of February, 1780, in such manner as he, with the advice of the commander in chief, shall judge will best promote the public interest, and answer the purposes of the present campaign.

On a report from the board of war,

*Resolved,* That col. James Wood be, and he is hereby, authorized and directed, in case the supplies of provisions, forage, and wagons necessary for the immediate march of the convention troops, and the guards under his command, cannot be otherwise obtained, to impress the same, and to give information thereof to the executives of the states within whose limits he shall be obliged to take such measures.

A letter, of this day, from the supreme executive council of Pennsylvania, was read, informing that the honorable house of assembly, have desired the board to request a conference with a committee of Congress, on the quarter-master's and commissary's certificates, and addressing Congress for this purpose :

*Ordered*, That a committee of three be appointed to confer with the supreme executive council of the state of Pennsylvania, on the subject above mentioned : the members, Mr. T. Smith, Mr. Motte, and Mr. Johnson.

The committee, consisting of Mr. Varnum, Mr. Bee, and Mr. M'Kean, to whom was referred their report on the motion of Mr. Madison, respecting the court of appeals, reported an ordinance on that subject, which was read a first time :

*Ordered*, That to-morrow be assigned for the second reading of the said ordinance.

A report from the board of treasury was read ; Whereupon,

*Ordered*, That the board of war take measures for the payment of 666 2-3 dollars of the value of specie, to Joseph Carson and others, owners of the sloop Carolina Packet ; that sum having been found due to them for the passages of sundry officers and their families from Charleston, and for demurrage awarded to them for the detention of the sloop aforesaid at Charleston.

#### WEDNESDAY, June 6, 1781.

On a report of the board of treasury :

*Ordered*, That the treasurer of loans sign and transmit to Nathaniel Appleton, commissioner of the continental loan-office for the state of Massachusetts, to be by him issued to Nathaniel Barrett, two sets of exchange, of the tenor and date of two sets drawn by the United States on the commissioners at Paris, in favor of Mr. John Loring, or order, No. 73, for 24 dollars, and No. 76, for 30 dollars ; both dated November 10th, 1778, and issued by the commissioner of the continental loan-office for the state of Massachusetts aforesaid : which by proofs and affidavits lodged at the board of treasury, appear to have been lost ; except that each set, now drawn, consist of the 5th, 6th, 7th, and 8th bills, one of the 8th only to be paid ; that the treasurer of loans furnish the said Nathaniel Barrett with quadruplicate letters of advice, each containing a certified copy of the foregoing order ; and that the said Nathaniel Barrett enter into bond to the loan-officer aforesaid, on behalf of the United States, with two or more sufficient freeholders as sureties, in double the amount of the value of the said bills, with condition to indemnify the United States against the holder or holders of any of the bills aforesaid, which are said to be lost, should any such appear.

#### FRIDAY, June 8, 1781.

A report from the board of war was read ; Whereupon,

*Ordered*, That the board take order for having all the arms at this post immediately repaired ; and that these arms, as well as those ordered on by the commander in chief, be sent forward to the southern states, in such proportions as shall be thought expedient towards arming the continental troops and militia of those states.

#### MONDAY, June 11, 1781.

*Ordered*, That Wednesday next be assigned for electing a secretary for foreign affairs.

On motion of Mr. Varnum, seconded by Mr. Matthews,

*Resolved*, That the officers of the hospital and medical department, now in service, be allowed the depreciation upon their pay, in the same manner as officers of the line of the army.

The report of the committee on the post-office, to whom was referred a paragraph of a letter from the director-general, was taken into consideration ; Whereupon,

*Resolved*, That the resolution of the 28th December, 1779, be extended to the director of the hospital, so that all letters to and from him be free.

A report from the board of war, on the letter from the director of the hospitals, was read ; Whereupon,

*Ordered*, That the sum of 8545 1-3 dollars in specie or other money equivalent, be immediately put into the hands of the purveyor of the military hospitals in part of the estimate laid before Congress by the medical committee, to enable him to purchase an immediate supply for the use of the sick, and to prepare for the immediate exigencies of the campaign in the hospital department :

That the sum of 16,116 dollars, in specie or other money equivalent, be advanced to the said purveyor, for three months' pay, to be paid by him on account of the officers of the medical department :

That a warrant be drawn on the treasurer of the state of New-York, for 6000 dollars, and another on the treasurer of Virginia for 4000 dollars, in specie or other money equivalent, in part of the above sum of 16,116 dollars, in favour of the said purveyor or his order ; and that the residue, viz. 6116 dollars be paid him at Philadelphia, in specie or other money equivalent :

That 4200 dollars, in specie or other money equivalent, be paid to the said purveyor, to be put into the hands of stewards at established hospitals, to purchase milk and vegetables and discharge small incidental charges at fixed hospitals.

#### TUESDAY, June 12, 1781.

Mr. G. Patridge, a delegate for Massachusetts, attended ; Mr. Samuel Osgood, another delegate for Massachusetts, attended, and produced the credentials of his appointment, which were read.

Mr. Richard Potts, a delegate for the state of Maryland, attended and took his seat.

A report from the board of war was read ; Whereupon,

*Ordered*, That the commanding general of the Pennsylvania line, now in that state, arrange the brigade-chaplains of that line, so as to retain no more chaplains therein than are equal to the number of brigades, and certify to the board of war such as shall be deemed supernumerary, in the same manner as the commanding general of the northern army might have done under the resolve of the 8th day of May last.

A report of the board of war was read, enclosing a letter of the 6th, from the commander in chief, respecting the convention prisoners ; Whereupon,

*Resolved*, That Congress approve the reasons given by the commander in chief, for halting the convention prisoners for the present in the state of Pennsylvania.

*Ordered*, That Friday next be assigned for electing five hospital physicians and surgeons, in the room of those resigned and promoted.

On motion of Mr. Sullivan, seconded by Mr. Matthews,

*Resolved*, That letters to and from the superintendent of finance be free from postage.

A report from the board of admiralty was read ; Whereupon,

*Resolved*, That the balances now due to the officers, seamen, landsmen and mariners in the sea service, and the sums that shall hereafter become due to them, either for wages, subsistence or bounty, shall be paid in specie or other money equivalent, according to the current rate of exchange at the time of payment : any resolution of Congress to the contrary notwithstanding.

*Resolved*, That depreciation of pay and subsistence, be settled in behalf of

the officers and men of colonel Armand's legion, in the same manner and on the same principles as is provided for colonel Hazen's regiment.

The board of war, to whom was referred a motion of the delegates of Virginia, made report; Whereupon,

*Resolved*, That it be earnestly recommended to the state of Pennsylvania, to raise, accoutre and equip Moylan's legionary corps to its full complement, the men to be raised for three years, unless sooner discharged:

That it be also earnestly recommended to the said state immediately to raise and equip three troops of militia cavalry, properly officered, including those called for by the act of the 31st of May last, to serve with the southern army for three months from the time of their arrival at the said army, each troop to consist of 64 non-commissioned officers and privates:

That the said cavalry be marched by detachments, as they are completed, to the southern army; and the militia cavalry discharged in proportion to the numbers inlisted into Moylan's regiment, and joining the said army properly armed and accoutred:

That the said militia cavalry be sent forward with every degree of despatch, without waiting for the march of the militia infantry required by Congress from that state:

That it be earnestly recommended to the state of Maryland to arm, equip, mount and accoutre two troops of militia horse, including those called for by the resolution of the 31st of May last, consisting of 64 non-commissioned officers and privates each, with the proper number of commissioned officers; and send them forward with all possible expedition to the southern army, and without waiting for the march of the infantry requested by Congress from that state; to continue in service three months from the time they join the said army.

#### WEDNESDAY, June 13, 1781.

An act of the state of New-Jersey, was read, empowering Congress to levy and collect the duties described in their resolution of 3d February last.

*Resolved*, That it be, and hereby is recommended to the several states, to which the officers of the hospital and medical department now in service, respectively belong, or of which they are or were inhabitants, to settle the accounts of the said officers for depreciation, on the principles established by the resolution of Congress of the 10th of April, 1780; and to make provision for paying the balances that may be found due, in the same manner with officers of the line:

That each state which shall advance more money in making good the depreciation to its respective citizens than its proper proportion, shall be allowed for the same on account of the United States.

The board of war, to whom was referred a letter of the 17th of April from governor Trumbull, report,

“That from colonel Nicola's return, it appears that there are no invalids from the Connecticut line at this post, and only 30 at Boston; that, however, as the commander in chief has called for the whole to compose part of the garrison at West-Point, the board are of opinion the general's requisition should be complied with:

*Resolved*, That Congress agree to the said report.

*Ordered*, That the election of a secretary for foreign affairs be postponed till Friday next.

*Ordered*, That Mr. Ward have leave of absence.

#### THURSDAY, June 14, 1781.

A report from the board of war was read; Whereupon,

*Resolved*, That the resolution of the 27th of May, 1777, on the subject

of brigade-chaplains, is not to be construed so as to vacate the commissions or appointments of the regimental chaplains, then holding such commissions and performing the duties thereof, until the appointment of brigade-chaplains took place.

On motion of Mr. Matthews, seconded by Mr. Sharpe.

That the minister plenipotentiary of these United States at the court of Versailles, be authorized and empowered to offer lieutenant-general Burgoyne in exchange for the hon. Henry Laurens.

On the question to agree to this, the yeas and nays being required by Mr. Atlee,

<i>N.-Hampshire,</i>	Mr. Sullivan,	ay	} ay	<i>Maryland,</i>	Mr. Jenifer,	ay	} ay
	Livermore,	ay			Carroll,	no	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay	<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Patridge,	ay			Madison,	no	
	Ward,	ay			Bland,	ay	
	Osgood,	ay			M. Smith,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *	<i>N.-Carolina,</i>	Mr. Sharpe,	ay	} ay
<i>Connecticut,</i>	Mr. Huntington,	ay			Johnson,	ay	
	Ellsworth,	ay		<i>S. Carolina,</i>	Mr. Matthews,	ay	} ay
	Sherman,	ay	} no		Motte,	ay	
<i>New-Jersey,</i>	Mr. Houston,	no		<i>Georgia,</i>	Mr. Walton,	ay	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay			Eveleigh,	ay	
	Atlee,	no	} no		Few,	ay	} ay
	Clymer,	no			Howly,	ay	
	T. Smith,	no					
<i>Delaware,</i>	Mr. Rodney,	ay	} ay				
	M'Kean,	ay					

So it was resolved in the affirmative.

### SATURDAY, June 16, 1781.

On report of a committee, consisting of Mr. Jones, Mr. M'Dougall, Mr. Sullivan, to whom was referred a letter of February 3d, from gen. Washington :

*Resolved,* That all acts and regulations of Congress empowering commanding-officers of regiments or corps, to grant furloughs to non-commissioned officers and soldiers belonging to their respective corps, be, and hereby are repealed ; and that in future no furloughs be granted but by the commander in chief, or the commander of a separate department, or by such persons as they or either of them may appoint for that purpose :

That all furloughs be in the form following :

The bearer hereof                      in the                      regiment of                      is hereby permitted to be absent on furlough for                      days from the date hereof : and all officers, civil and military, are requested to suffer him to pass to                      and return to his regiment without molestation, he behaving as becometh him. This permit to be valid no further than to the above-mentioned place, and no longer than for the above-mentioned time. Given at the                      day of                      178                      Registered in the books of the regiment.                      Adjutant.

That all discharges be in the following form :

The bearer hereof                      in the                      regiment of                      and in captain                      company, having served during                      being the term for which he was engaged, is hereby discharged from the said regiment, in which we certify that he hath behaved as a brave and faithful soldier. Given at                      this                      day of                      178                      Registered, in the books of the regiment.                      Adjutant.

That the furloughs and discharges granted, be registered in the books of the regiment :

That when any non-commissioned officer or soldier shall return home, and



does not within ten days after his return, produce his furlough or discharge to the nearest magistrate, he shall be liable to be apprehended and treated as a deserter :

*Ordered*, That the board of war procure printed forms of furloughs and discharges, and forward them, from time to time, to the commander in chief.

The committee having recommended that general and garrison courts-martial in the army of these United States, be authorized to sentence delinquents to receive any number of lashes, not exceeding 500, or may order such delinquents to serve on board any armed vessel belonging to these states, or to labour on public works for a reasonable time, according to the discretion of the said court, any former act or resolution to the contrary notwithstanding.

On the question to agree to this, the yeas and nays being required by Mr. Sherman,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	} div.	<i>Maryland</i> , Mr. Jenifer,	no	} ay
Livermore,	no		Carroll,	ay	
<i>Massachusetts</i> , Mr. Patridge	no	} no	Potts,	ay	} ay
Osgood,	no		Mr. Madison,	ay	
<i>Rhode-Island</i> , Mr. Varnum,	no	} *	Bland,	no	} no
<i>Connecticut</i> , Mr. Huntington,	no		M. Smith,	no	
Ellsworth,	no	} no	<i>N.-Carolina</i> , Mr. Sharpe,	no	} div.
Sherman,	no		Johnson,	ay	
<i>Pennsylvania</i> , Mr. Montgomery,	ay	} ay	<i>S.-Carolina</i> , Mr. Matthews,	ay	} ay
Atlee,	ay		Motte,	ay	
Clymer,	ay	} ay	Eveleigh,	ay	} ay
T. Smith,	ay		<i>Georgia</i> , Mr. Walton,	ay	
<i>Delaware</i> , Mr. Rodney,	no	} no	Howly,	no	} div.
M'Kean,	no				

So the question was lost.

### MONDAY, June 18, 1781.

A report from the board of war was read ; Whereupon,

*Resolved*, That depreciation of pay and subsistence be settled in behalf of the officers and men of captain Van Heer's troop of Marachaussee, in the same manner and on the same principles as is provided for colonel Hazen's regiment.

*Ordered*, That the board of war take proper measures for paying 178 dollars, or the value thereof in the new emissions, for the passage of sundry officers from Charleston to Philadelphia.

The committee, consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe, to whom was re-committed their report on the clothier's department, together with a letter of J. Moylan, clothier-general, delivered in a report, which was taken into consideration ; and, thereupon,

*Resolved*, That all state purchases of clothing on continental account, and all state appointments and regulations in the clothing department on continental account, be abolished on the first day of September ; at or before which time, the sub and agent clothiers are to deliver to the clothier-general or his order, all clothing procured at continental expense which they may then have on hand, taking his receipt therefor, a duplicate whereof to be transmitted to the treasury-office.

On the question to agree to this, the yeas and nays being required by Mr. Sherman,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	} ay	<i>Pennsylvania</i> , Mr. Montgomery,	ay	} ay
Livermore,	ay		Atlee,	ay	
<i>Massachusetts</i> , Mr. Patridge,	no	} no	Clymer,	ay	} ay
Osgood,	no		T. Smith,	ay	
<i>Rhode-Island</i> , Mr. Varnum,	ay	} *	<i>Delaware</i> , Mr. Rodney,	ay	} *
<i>Connecticut</i> , Mr. Huntington,	ay		<i>Maryland</i> , Mr. Jenifer,	ay	
Sherman,	no	} div.	Carroll,	ay	} ay
			Potts,	ay	

<i>Virginia,</i>	Mr. Jones,	ay	} ay	<i>S.-Carolina,</i>	Mr. Matthews,	ay	} ay
	Madison,	ay			Bee,	ay	
	Bland,	ay			Motte,	ay	
	M. Smith,	ay			Eveleigh,	ay	
<i>N.-Carolina,</i>	Mr. Sharpe,	ay	} ay	<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Johnson,	ay			Few,	ay	
					Howly,	ay	

So it was resolved in the affirmative.

**Resolved,** That the clothier-general, in the month of June, annually, make and deliver in to the board of war, an estimate of clothing and disbursements for clothing for a year from the first day of November then next, that Congress may be enabled to furnish the proper sums, and adopt the necessary measures for procuring the same :

That all non-commissioned officers and soldiers, who are or may hereafter be enlisted during the war, be annually furnished with one regimental coat, full made ; one cloth vest ; one pair of cloth breeches ; one pair of woollen overalls ; two pair of woollen hose ; two pair of woollen socks ; one felt hat or leather cap ; four shirts ; two pair of linen overalls ; four pair of strong shoes ; one blanket ; one rifle shirt, and one pair of woollen gloves : also, one pair of shoe-buckles and one stock-clasp, every two years :

The dragoons to receive two pair of boots and one pair of spurs, instead of the shoes and buckles, annually ; also, a horseman's cloak every two years

That the commander in chief, and the commanding general in a separate department, respectively be, and hereby are, authorized to direct what clothing shall, from time to time, be dealt out to the artificers and wagoners, having regard to the nature of their service and the terms of their contract, and time for which they are engaged :

That summer clothing be ready to be issued on the 15th day of April, annually, and the winter clothing on the 1st day of November following, and be delivered at such time as the commander in chief or commanding general, in a separate department, shall direct :

That the clothier-general deal out the clothing regimentally ; and keep regular accounts against the respective regimental clothiers, taking particular care to have the clothing equally and impartially distributed when it is found incompetent for the whole army :

That previous to the day of general issue, the regimental-clothiers settle their accounts with the clothier-general, and receive his certificates of the arrearages of clothing due to their respective regiments, and present him with a return of the number of men for whom clothing is to be drawn on the day of general issue ; the said return to be examined and certified by the officer commanding their respective regiments, and signed by the brigadier or officer commanding the brigade :

That all extra issues to detachments, or for accidental loss of clothing, be by certificate of the commanding officer of the regiment or detachment to which the non-commissioned officers or soldiers, in whose behalf such application is made, shall belong ; the said certificate being approved and signed by the commander in chief or commanding general of a separate army :

That all issues of clothing be made from the magazines or places of general issue with the army ; and, to avoid the necessity of detached issues, the officers commanding parties or detachments, are to be answerable that they are supplied, so far as may be, from the magazines or stores at camp, previous to their leaving the army to which they belong :

That no article of clothing be issued by the clothier-general, his deputies or assistants, but by return and certificates made and approved as aforesaid :

That no non-commissioned officer or soldier who is not engaged during the war, or for the term at least of one year, be furnished with any article of clothing :

That the clothier-general, from time to time, notify the pay-master general of all surplusages of clothing, specifying the corps to which they belong, that stoppages may be made therefor :

That he make return to the board of war of all clothing on hand, and persons employed in the department, with the wages given to each, regularly, once in every two months :

That the quarter-master general, and his deputies in the several states, shall, on the requisitions of the clothier-general, furnish the means of transportation of all articles of clothing from the places where imported, received, or purchased, to the places of deposit ; and a careful wagon-master or conductor, to be appointed by the quarter-master general or some of his deputies, shall proceed with the clothing, who shall be answerable for all deficiencies on the road, unless they shall be able to shew that the same happened by unavoidable accidents, and not through their misconduct or want of attention :

That in case of injuries or deficiencies happening in the transportation of clothing, the clothier stationed at the magazine or place of deposit, shall represent the matter to the nearest commanding officer of the troops of the United States, that the wagon-master or conductor, having had charge of the clothing so damaged or deficient, may be tried by a court-martial, and if found guilty, compelled to restore the goods lost, or their value, or make satisfaction for damages accrued through his negligence or mismanagement, or be punished according to the nature of the offence by judgment of the court-martial :

That the clothier-general have the management, direction and superintendence of hides, subject to the orders of the board of war, with full power to call for proper returns from such persons as have heretofore had the management of hides :

That all commissaries make monthly returns to the clothier-general of the hides on hand, and that the commissary-general make monthly returns to him of all the live cattle delivered over to the commissaries of the army :

That the quarter-master general or his deputy, on the application of the clothier-general, or either of his deputies, furnish wagons for transporting raw or manufactured hides to such places as they shall direct :

That the clothier-general, with the concurrence of the superintendent of finance, be authorized to appoint such number of persons to transact the business of the clothing department, during the present campaign, as they may, from time to time, find necessary, and to ascertain their wages :

That the clothier-general make monthly returns to the commander in chief :

That all resolutions heretofore passed respecting the clothing and hide departments, inconsistent with this arrangement and the resolutions now passed, be, and they are hereby repealed.

On the report of a committee, consisting of Mr. Ward, Mr. Sullivan, and Mr. Motte, to whom was referred a memorial of col. Hazen :

*Resolved*, That the clothier-general furnish the Canadian officers belonging to col. M. Hazen's regiment, with a suit of clothes, on the same terms clothing hath been furnished by the state of Massachusetts to their officers :

That one year's interest, upon the balances due on the 1st of January, 1780, to the Canadian officers and soldiers of that regiment, be added to and included in their certificates :

That Congress will make the 24 dollars, granted as a bounty to those soldiers, equal in value to the bounty or allowance of the state of Massachusetts granted to the soldiers of that state serving in the same regiment ; and that the board of treasury add the same to their certificates, in lieu of the sum of 24 dollars granted by the resolution of the 20th of April last.

WEDNESDAY, *June 20, 1781.*

On the report of a committee, consisting of Mr. Houston, Mr. Sherman, Mr. Atlee, to whom was referred a letter of the 12th, from Charles Pettit, desiring leave to resign :

*Resolved*, That Charles Pettit, assistant quarter-master general, be permitted to resign that office, agreeably to his request :

That the office of assistant quarter-master general be abolished ; and that the duties of the said office be performed by the quarter-master general, and his deputies under his direction.

On motion of Mr. Sherman, seconded by Mr. Patridge,

*Resolved*, That the post-master general be directed immediately to employ a post-rider in the room of him who was lately taken by the enemy, between Fish-kill and Morristown ; and to apply to the board of war for an escort on that part of the way where the riders are exposed to be interrupted by the enemy.

On motion of Mr. Matthews, seconded by Mr. Bee,

*Resolved*, That the board of war be directed to furnish governor Rutledge with four wagons, for transporting clothing to the state of South-Carolina ; which wagons, when discharged by the said gov. Rutledge, to be delivered over to the orders of the commanding general of the southern army.

The committee, consisting of Mr. Sullivan, Mr. Atlee, Mr. Bland, to whom was referred a report of the board of treasury on the accounts of colonel D. Campbell, delivered in a report ; Whereupon,

*Ordered*, That the report of the board of treasury on the accounts of col. D. Campbell, with the papers, be re-committed to the board of treasury for final settlement ; and that the board credit col. Campbell, in the settlement of his accounts, with the sum of £ 15 14 6, for loss on gold and silver, and also credit him for interest on such balance as may be found due to him from the United States, but that the balance of the difference between the clothing charged and the clothing credited be disallowed.

The committee, consisting of Mr. Lovell, Mr. Sharpe, Mr. Bee, to whom was referred a letter and memorial of 7th May, from John Ross, delivered in a report ; Whereupon,

*Resolved*, That Robert Morris, esq. bc, and he is hereby, empowered to deliver to John Ross, in part payment of his account, the bills of exchange which were committed to him to be disposed of by a resolution of the 4th of this month, the restrictions in the said resolution notwithstanding, the said J. Ross agreeing, &c.

On the question to agree to this, the yeas and nays being required by Mr. Varnum,

<i>N-Hampshire</i> , Mr. Sullivan,	ay	} ay	<i>Maryland</i> , Mr. Carroll,	ay	} div.
	Livermore,			Potts,	
<i>Massachusetts</i> , Mr. Patridge,	ay	} ay	<i>Virginia</i> , Mr. Jones,	ay	} ay
	Osgood,			Madison,	
<i>Rhode-Island</i> , Mr. Varnum,	no	} *	<i>N.-Carolina</i> , Mr. Sharpe,	ay	} *
<i>Connecticut</i> , Mr. Huntington,	ay		<i>S.-Carolina</i> , Mr. Matthews,	ay	
	Ellsworth,	} ay		Bee,	} ay
	Sherman,			Motte,	
<i>Pennsylvania</i> , Mr. Montgomery,	ay	} ay		Eveleigh,	
	Clymer,		<i>Georgia</i> , Mr. Walton,	ay	} ay
	T. Smith,	} ay		Few,	
<i>Delaware</i> , Mr. Rodney,	ay				
	M <sup>c</sup> Kean,	ay			

So it was resolved in the affirmative.

THURSDAY, *June 21, 1781.*

A report from the board of treasury was read ; Whereupon,

*Resolved*, That the depreciation for pay and subsistence directed to be settled by the act of the 12th inst. in favor of the officers and men of col. Armand's legion, be extended to the time those officers and men served in count Pulaski's legion, who are now in col. Armand's.

On a report of a committee, consisting of Mr. Atlee, Mr. Varnum, Mr. Bee, to whom was referred a petition of capt. Ysnardy :

*Resolved*, That capt. Ysnardy be allowed the value of the several articles made use of in the defence of Charleston, for which he has produced vouchers, and that they be referred to the board of treasury to ascertain the value and take orders thereon :

That capt. Ysnardi and the crew of his ship who were employed during the siege in one of the bastions, be allowed the same pay and subsistence as is allowed to artillerists while on duty ; and that the pay-master general be directed to settle and pay the same : and that the remaining part of the petition, respecting loan-office certificates, be referred to the board of treasury to take order.

On motion of Mr. Montgomery, seconded by Mr. Sherman,

*Resolved*, That a vice-consul be appointed to reside in France, who shall exercise all the powers, and perform the services required of William Paley, during his absence from that kingdom, or during the pleasure of Congress ; and be allowed a salary of 1000 dollars per annum, in lieu of all commissions for business done on account of the United States of America :

*Ordered*, That Monday next be assigned for electing a vice-consul.

On motion of the delegates of Virginia,

*Resolved*, That the commissary-general of purchases be authorized to exchange with — Nicholson, agent for the state of Virginia, now in Philadelphia, so much of the flour within the states of Pennsylvania, Delaware, or Maryland, belonging to the United States, as Mr. R. Morris, with the advice and concurrence of the commander in chief, shall approve, for a like quantity to be delivered in the state of Virginia, by the aforesaid agent.

#### FRIDAY, June 22, 1781.

A letter, of the 21st, from Mr. R. Morris, was read ; Whereupon,

*Resolved*, That Mr. R. Morris be, and he is hereby empowered and directed to take order for discharging the debt due from the United States to the Pennsylvania bank, and that the bills of exchange drawn on the ministers of these United States at the courts of Madrid and the Hague, and lodged with the Pennsylvania bank, be put under the direction of the said Robert Morris, to be by him disposed of in such manner as he shall think proper, for the use and benefit of the United States of America.

A committee, consisting of Mr. T. Smith, Mr. Motte, Mr. M'Kean, Mr. Sherman, appointed to ascertain the allowance to be made for burning the bills of credit of the old emissions, delivered in a report ; Whereupon,

*Resolved*, That the commissioners appointed to examine and burn the bills of credit of the old emissions, be allowed for that service, each the sum of two dollars specie, for every day they shall be respectively employed therein ; and that the said commissioners report weekly to the board of treasury, the number and amount of the bills by them examined and burned.

#### SATURDAY, June 23, 1781.

A committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, to whom was referred two letters of the 22d from Mr. R. Morris, delivered in a report ; Whereupon,

*Resolved*, That Robert Morris, esq. be, and he is hereby, authorized and directed to take measures for the speedily launching and equipping for sea the ship America, now on the stocks at Portsmouth, in New-Hampshire :



That the board of admiralty be, and they are hereby directed to assign Mr. R. Morris the produce of the share of the United States in the prizes taken by captain Barry, to enable Mr. Morris to carry into execution the preceding resolution :

That Congress proceed on Tuesday next to the appointment of a commander to the said ship America.

### MONDAY, June 25, 1781.

According to the order of the day, an ordinance for establishing a court of appeals in cases of capture, was on the second reading debated by paragraphs : and on a question to agree "that the judges of the said court shall hold their commissions during good behaviour;" the yeas and nays being required by Mr. T. Smith,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Maryland,</i>	Mr. Carroll,	ay	}	ay	
	Livermore,	no				Potts,	ay			
<i>Massachusetts,</i>	Mr. Lovell,	no	}	no	<i>Virginia,</i>	Mr. Jones,	ay	}	ay	
	Patridge,	ay				Madison,	no			
	Osgood,	no				Bland,	ay			
<i>Connecticut,</i>	Mr. Huntington,	no	}	no		M. Smith,	ay			
	Ellsworth,	no				<i>N.-Carolina,</i>	Mr. Sharpe,	ay	}	ay
	Sherman,	no					Johnson,	ay		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no	<i>S.-Carolina,</i>	Mr. Matthews,	ay	}	ay	
	Houston,	no					Bee,			ay
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay		Eveleigh,	ay			
	Clymer,	ay				<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	T. Smith,	ay					Few,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}		*					

So the question was lost.

### TUESDAY, June 26, 1781.

A letter, of this day, from John L. Clarkson, was read ; Whereupon,

*Ordered*, That John L. Clarkson be allowed, in addition to his salary as clerk to the board of treasury, a sum at the rate of 250 dollars per annum, for extra services in executing the duties of secretary of that board.

A report from the board of war was read ; Whereupon,

*Resolved*, That it be recommended to the states of Delaware, Maryland, and Virginia, to settle with the officers and men of the invalid regiment, who are citizens of those states, on certificates from the commanding officer of the regiment, without requiring their personal attendance on the auditors or persons appointed by the said states respectively, to liquidate their accounts for depreciation.

The committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, to whom were referred the letters from Mr. Morris, delivered in a further report ; Whereupon,

*Resolved*, That an agent for the United States of America be appointed to reside at the Havanna :

*Ordered*, That to-morrow be assigned for electing the said agent ; and that the committee who brought in this report prepare the draught of a commission and instructions for the said agent.

Congress proceeded to the appointment of a captain to command the ship America : and, the ballots being taken, John P. Jones, esq. was unanimously elected.

Congress proceeded to the election of a vice-consul, conformable to the resolution of the 21st of this month ; and, the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. Clymer.

On motion of Mr. Houston, seconded by Mr. Sharpe,

*Resolved*, That the board of admiralty inform John Barry, esq. commander of the frigate Alliance, that Congress approve his conduct in releasing the

ship belonging to subjects of the republic of Venice, re-taken by him from a British privateer on the 4th of March last, it being their determination always to pay the utmost respect to the rights of neutral commerce.

**WEDNESDAY, June 27, 1781.**

A report of the board of war was read; Whereupon,

*Ordered*, That the board of war take order for the payment of lieutenant-colonel Nevil's passage from Charleston to Philadelphia, in the same manner as has been allowed to officers under like circumstances.

The delegates of Pennsylvania, to whom was referred a report of the board of treasury on the claim of Christian Wirts, who under the appointment of the council of Pennsylvania of town-major of Lancaster, acted occasionally under the board of war in taking charge of prisoners, public stores, &c. made a report; Whereupon,

*Ordered*, That the report of the board of treasury be re-committed, and that the board of treasury request the honourable William Atlee, esq. Matthias Slough and Adam Rigart, esqrs. to ascertain what compensation the said C. Wirts ought to receive for the services performed in the premises for the United States.

Congress proceeded to the election of an agent to reside at Havanna; and, the ballots being taken, Mr. Robert Smith was elected.

*Resolved*, That it be the duty of the agent appointed to reside at Havanna, to manage the occasional concerns of Congress, to assist the American traders with his advice, and to solicit their affairs with the Spanish government, and to govern himself according to the orders he may, from time to time, receive from the United States in Congress assembled, or their superintendent of finance.

**THURSDAY, June 28, 1781.**

A report from the board of war was read, enclosing an estimate of money wanted by the deputy quarter-master, for sending to the main army a number of public horses:

*Ordered*, That the same, together with the several estimates of the board of war for the present campaign, be referred to the superintendent of finance; and that he devise ways and means for furnishing such of them, as, upon consultation with the commander in chief and board of war, shall be deemed most essentially necessary:

That the superintendent of finance be furnished with an account of the several requisitions of money, and supplies from the states, and that he take measures for calling upon them, and pressing a compliance with the said requisitions:

That he order such sums of money into the hands of the quarter-master general, and the commissary of military stores, as, upon consultation aforesaid, may be necessary for executing the duties required of them respectively:

That the bills of exchange in the hands of the board of war yet unsold, be delivered to the superintendent of finance.

*Ordered*, That a committee of three be appointed, to devise the proper mode of transferring to the superintendent of finance, the business of the several boards and departments to which the institution of his office extends, in order that the said boards and departments may be discontinued as soon as the situation of affairs will admit:

That the said committee confer with the superintendent of finance on the object of their appointment: the members, Mr. Houston, Mr. Osgood, Mr. T. Smith.

A committee, consisting of Mr. Houston, Mr. Sherman, Mr. Atlee, to whom was referred a letter of the 12th inst. from the board of admiralty, delivered in a report; Whereupon,

**Resolved**, That the reason given by James Wharton for neglecting to render his accounts, cannot be admitted :

That the board of admiralty take measures to compel a settlement of those accounts without further delay.

FRIDAY, June 29, 1781.

A report from the board of war was read ; Whereupon,

**Resolved**, That colonel Moses Hazen be, and he hereby is appointed a brigadier in the army of the United States by brevet.

MONDAY, July 2, 1781.

A letter, of the 24th of June, from general Washington, was read, informing Congress that he has requested 300 expert riflemen, to be furnished by the state of Pennsylvania, for the present campaign: Whereupon,

**Resolved**, That Congress approve the said request, and that his excellency the president and supreme executive council of Pennsylvania, be informed that the United States in Congress assembled, will allow a deduction of the like number from the infantry militia required of the said state for the southern service; and that whatever bounty they shall think proper to grant to this corps of troops, shall be re-paid to the state, and the men shall be allowed pay, rations, and complete continental establishment, equal to the other troops in the field, during the time they are in service.

**Resolved**, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of the independence on Wednesday next: the members, Mr. Clymer, Mr. Carroll, Mr. Walton.

**Resolved**, That the board of war take order for furnishing the table of the commander in chief.

TUESDAY, July 3, 1781.

A report from the committee of commerce was read ; Whereupon,

**Ordered**, That Henry Gardner, esq. treasurer of the state of Massachusetts, be directed to advance to Isaac Smith, of Boston, in behalf of himself and the other owners of the schooner Hawke, so many dollars in bills of the new emission as will be sufficient to pay them the sum of £ 70 sterling, being the amount of the freight and interest due thereon by the said schooner Hawke ; and that the board of treasury issue a warrant accordingly.

**Ordered**, That Joseph Clarke, commissioner of the continental loan-office for the state of Rhode-Island, pay to Messrs. Nicholas and John Brown, such a sum in the bills of the new emission, as will enable the said Nicholas and John Brown to take up and discharge a certain bill of exchange drawn on them by Messrs. Penet, D'Acosta Freres and Co. for 3738 livres, 14 sous, and 9 deniers tournois, dated Nantz, March 10, 1781, the said bill being for amount of a debt contracted by the said Nicholas and John Brown, as agents of the United States ; and that the board of treasury issue a warrant accordingly.

A report from the board of treasury was read ; Whereupon,

**Resolved**, That for the greater despatch in destroying the several emissions of the old continental currency as they come into the treasury of the United States, another commissioner be added to those already appointed for that purpose; which commissioners, or any one of them, shall also examine, count and burn such of the emissions of May 20th, 1777, and April 11th, 1778, as are or may be deposited in the treasury aforesaid: the commissioner elected, Mr. Nathaniel Donnel.

FRIDAY, July 6, 1781.

On a report of a committee, consisting of Mr. Houston, Mr. Osgood, Mr. T. Smith, to whom was referred a letter of the 27th of June from the superintendent of finance :

**Resolved**, That the transactions of Robert Morris, esq. as superintendent of the finances of the United States, previous to the taking of the oaths of office by him the said superintendent, be and they are hereby declared to be valid and authentic to all intents and purposes whatsoever :

That the said Robert Morris be accountable for the same, in like manner with other his official transactions ;

That the acceptance of the trust and powers granted to the said superintendent by certain resolutions of the assembly of Pennsylvania, bearing date the 25th day of June, 1781, will, in the opinion of Congress, have a tendency to promote the public service of the United States, wherefore they do approve thereof.

On report of a committee, consisting of Mr. Madison, Mr. Varnum, Mr. Sherman, to whom was referred a letter of 28th of June, from the superintendent of finance :

**Resolved**, That the superintendent of finance be, and he is hereby authorized to appoint an assistant in his department, who shall be entitled to an annual salary of 1850 Spanish milled dollars, to be paid quarterly from the treasury of the United States; and two clerks who shall be entitled each to the annual salary of 500 Spanish milled dollars to be paid in like manner.

The president having informed the United States in Congress assembled, that his ill state of health will not permit him to continue longer in the exercise of the duties of that office, and requested leave of absence :

**Ordered**, That Monday next be assigned for electing a president.

The report of a committee, consisting of Mr. M. Smith, Mr. Sherman, Mr. Jenifer, to whom was referred a motion of Mr. M. Smith, was taken into consideration ; and on the question to agree to the first paragraph, viz.

" That the election of a secretary of marine be postponed till the first Monday in November next."

The yeas and nays being required by Mr. Sullivan,

<i>New-Hampshire</i> , Mr. Sullivan,	no	} no	<i>Maryland</i> ,	Mr. Jenifer,	no	} ay
	Livermore,			Carroll,	ay	
<i>Massachusetts</i> , Mr. Lovell,	no	} no		Potts,	ay	} ay
	Patridge,		<i>Virginia</i> ,	Mr. Jones,	ay	
	Osgood,	no		Madison,	ay	} ay
<i>Rhode-Island</i> , Mr. Varnum,	no	} *		Bland,	ay	
<i>Connecticut</i> , Mr. Huntington,	no			M. Smith,	ay	} ay
	Ellsworth,	no	<i>N.-Carolina</i> ,	Mr. Sharpe,	ay	
	Sherman,	no		Johnson,	ay	} ay
<i>Pennsylvania</i> , Mr. Montgomery,	no	} ay	<i>S.-Carolina</i> ,	Mr. Matthews,	ay	
	Clymer,			Bee,	no	} dir
	T. Smith	ay		Motte,	ay	
<i>Delaware</i> , Mr. Rodney,	no	} no	<i>Georgia</i> ,	Eveleigh,	no	} ay
	M'Kean,			Mr. Walton,	ay	
				Few,	ay	

So the question was lost.

**Ordered**, That the remainder be referred to a committee of three: the members, Mr. M'Kean, Mr. Ellsworth, Mr. Bland.

#### SATURDAY, July 7, 1781.

A letter, of the 14th April, from the board of admiralty, was called for, and a motion thereon being made and question put, " that the salary of the commissioners of the board of admiralty be augmented," passed in the negative.

**Resolved**, That the application of the board of admiralty of the 2d, in behalf of themselves and the secretary of the board, for the payment of the balance of salary due to them, be referred to the superintendent of finance to take order.

On report of a committee, consisting of Mr. Johnson, Mr. Motte, Mr. Cly-

mer, to whom were referred several papers accompanying an application of col. Hazen :

*Resolved*, That the board of treasury, in the settlement of the depreciation due to that part of col. Hazen's regiment not of the quota of any state, admit such evidence of the times of inlistment and periods of service as have been accepted by any of the states in settling with other parts of the said regiment, and that the said board appoint some person, who shall deliver certificates for the balances due on account of depreciation, to the officers and soldiers respectively to whom they shall be due ; he taking their receipts for the same, to be transmitted to and lodged in the treasury office.

On report of a committee, consisting of Mr. Sullivan, Mr. Bland, Mr. Osgood, to whom was referred a letter of June 7th, from the governor of Rhode-Island :

*Resolved*, That so much of the said letter as relates to a call for militia for the defence of that island, be referred to the commander in chief; and that he be authorized to call upon the four eastern states , namely, New-Hampshire, Massachusetts, Rhode-Island, and Connecticut, for such number of militia for the defence of Rhode-Island as he shall think necessary.

A motion was made by the delegates of South-Carolina, that the board of war be directed to forward to the state of South-Carolina, with all convenient despatch, 3000 stand of arms for the use of the militia of that state.

A motion was made by Mr. Ellsworth, seconded by Mr. Varnum, to strike out the words " for the use of the militia of that state : " and in lieu thereof insert, " to be disposed of as the commanding officer of the southern department shall direct ; " a division was called for, and on the question to strike out the words " for the use of the militia of that state ; " the yeas and nays being required by Mr. Matthews :

<i>N. Hampshire,</i>	Mr. Sullivan,	ay	} ay	<i>Maryland,</i>	Mr. Jenifer,	no	} no
	Livermore,	ay				Carroll,	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} no		Potts,	no	
	Patridge,	no			<i>Virginia,</i>	Mr. Jones,	no
	Osgood,	no			Bland,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *	<i>N.-Carolina,</i>	Mr. Sharpe,	no	} no
<i>Connecticut,</i>	Mr. Huntington,	no				Johnson,	
	Ellsworth,	ay	} ay	<i>S.-Carolina,</i>	Mr. Matthews,	no	} no
	Sherman,	ay				Bee,	
<i>Pennsylvania,</i>	Mr. Montgomery,	no	} no		Motte,	no	
	T. Smith,	no				Eveleigh,	
<i>Delaware,</i>	Mr. Rodney,	no	} *	<i>Georgia,</i>	Mr. Few,	no	} no
						Howly,	

So it passed in the negative.

A motion was then made by Mr. Sherman, seconded by Mr. Bland, between the words " arms " and " for, " to insert " to be disposed of as the commanding officer of the southern department shall direct. "

On which the yeas and nays being required by Mr. Matthews,

<i>N. Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Maryland,</i>	Mr. Jenifer,	no	}	no
	Livermore,	no							
<i>Massachusetts,</i>	Mr. Lovell,	ay	}	ay		Potts,	no		
	Patridge,	ay					<i>Virginia,</i>	Mr. Jones,	ay
	Osgood,	no				Bland,	ay		
<i>Rhode-Island,</i>	Mr. Varnum,	ay	}	*	<i>N.-Carolina,</i>	Mr. Sharpe,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	ay							
	Ellsworth,	ay	}	ay	<i>S.-Carolina,</i>	Mr. Matthews,	no	}	no
	Sherman,	ay							
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	div.		Motte,	no		
	T. Smith,	ay							
<i>Delaware,</i>	Mr. Rodney,	ay	}	*	<i>Georgia,</i>	Mr. Few,	no	}	no

So it passed in the negative.



After debate, *Ordered*, That the farther consideration of the motion be postponed.

MONDAY, July 9, 1781.

A note from Mr. Ellery, one of the commissioners of the board of admiralty, was read, informing that his family affairs pressed his return home, and therefore requested leave of absence :

*Ordered*, That leave be granted.

According to the order of the day, the house proceeded to the election of a president ; and, the ballots being taken, the honorable Samuel Johnson was elected.

TUESDAY, July 10, 1781.

Mr. Johnson having declined to accept the office of president, and offered such reasons as were satisfactory, the house proceeded to another election ; and, the ballots being taken, the hon. Thomas M'Kean was elected.

On motion of Mr. Matthews, seconded by Mr. T. Smith,

*Ordered*, That a committee of five be appointed to confer with the superintendent of finance on the means proper to be adopted for the purpose of defraying the expenses of the delegates of such of the states as from the events of the war may be unable to provide for their support during their attendance in Congress ; also on the means for paying the salaries due to the civil officers and clerks of the boards or offices immediately under Congress.

A report from the board of war was read ; Whereupon,

*Resolved*, That the superintendent of finance be, and he is hereby authorized, either by himself or such person or persons as he shall, from time to time, appoint for the purpose, to procure on contract all necessary supplies for the use of the army or armies of the United States, and also for the navy artificers, or prisoners of war, and also the transportation thereof ; and all contracts or agreements heretofore made, or which shall be hereafter made by him or persons under his authority, for the purposes aforesaid, are hereby declared to be binding on the United States.

On report of a committee, consisting of Mr. Lovell, Mr. Patridge, Mr. Osgood, to whom was referred a petition of James and William Winthrop :

*Ordered*, That Messrs. James and William Winthrop, be permitted to occupy the barracks, standing without the fortifications on Governor's Island, in the harbour of Boston, for the purpose of a barn, until further order shall be taken respecting the same by the United States in Congress assembled.

The committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, appointed to prepare a commission and instructions to Thomas Barclay, vice-consul, reported a draught, which was agreed to.

*Resolved*, That the thanks of Congress be given to the hon. Samuel Huntington, late president of Congress, in testimony of their approbation of his conduct in the chair and in the execution of public business.

*Ordered*, That Mr. S. Johnson have leave of absence.

WEDNESDAY, July 11, 1781.

A letter, of this day, from Thomas Hutchins, was read, signifying his acceptance of the office of geographer to the southern army.

*Resolved*, That the geographer to the main army, and also the geographer to the southern army, be stiled "geographer to the United States of America," and commissioned and considered as such ; and that they perform such services as the commander in chief, and commanding officer of the southern army, may judge necessary to assign them respectively.

On motion of Mr. Jenifer, one of the members of the board of admiralty :

*Resolved*, That the frigate Trumbull be put under the direction of Mr. Morris, superintendent of finance, for such service as he may judge neces-

tary; and that the captain of the said frigate receive and obey the orders and instructions given to him by the said superintendent.

The report of a committee, consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland, to whom were referred a memorial and other papers of baron D'Arendt, was taken into consideration, namely, that part wherein they report that it may be proper to resolve,

"That the board of treasury settle with the baron D'Arendt, for his pay and depreciation, up to the first day of January, 1781; and that he be entitled to such future pay and emoluments as may be allowed by Congress to other foreign officers in similar circumstances."

A question being taken on the first part: passed in the affirmative.

On the second part the previous question was moved by the state of Connecticut, seconded by the state of Georgia; and on the question to agree to the previous question, the yeas and nays being required by Mr. T. Smith,

<i>N.-Hampshire</i> , Mr. Sullivan,	no	}	no	<i>Maryland</i> , Mr. Jenifer,	no	}	no
	Livermore,				Carroll,		
<i>Massachusetts</i> , Mr. Lovell,	no	}	ay	<i>Virginia</i> , Mr. Jones,	ay	}	ay
	Patridge,				Madison,		
	Osgood,	}	*		Bland,	}	*
<i>Rhode-Island</i> , Mr. Varnum,	no			<i>N.-Carolina</i> , Mr. Sharpe,	ay		
<i>Connecticut</i> , Mr. Ellsworth,	ay	}	ay	<i>S.-Carolina</i> , Mr. Matthews,	no	}	no
	Sherman,				Motte,		
<i>Pennsylvania</i> , Mr. Montgomery,	no	}	no		Eveleigh,	}	ay
	Clymer,			<i>Georgia</i> , Mr. Few,	ay		
	T. Smith,	}	no		Howly,	}	ay
<i>Delaware</i> , Mr. Rodney,	no						
	M'Kean,	}	no				

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Sullivan,

<i>N.-Hampshire</i> , Mr. Sullivan	ay	}	ay	<i>Maryland</i> , Mr. Jenifer,	ay	}	ay
	Livermore,				Carroll,		
<i>Massachusetts</i> , Mr. Lovell,	ay	}	ay	<i>Virginia</i> , Mr. Jones,	ay	}	ay
	Patridge,				Madison,		
	Osgood,	}	*		Bland	}	*
<i>Rhode-Island</i> , Mr. Varnum,	ay			<i>N.-Carolina</i> , Mr. Sharpe,	ay		
<i>Connecticut</i> , Mr. Ellsworth,	ay	}	div.	<i>S.-Carolina</i> , Mr. Matthews,	ay	}	ay
	Sherman,				Motte,		
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	ay		Eveleigh,	}	ay
	Clymer,			<i>Georgia</i> , Mr. Few,	ay		
	T. Smith,	}	ay		Howly,	}	ay
<i>Delaware</i> , Mr. Rodney,	ay						
	M'Kean,	}	ay				

So it was resolved in the affirmative.

Whereas the baron D'Arendt, cannot, consistent with the arrangement of the army made in October last, and which took effect in January 1781, be considered in the service of these states since that time, nor at present be allowed half pay, in the same manner as was allowed to officers reduced by that arrangement,

*Resolved*, That the board of treasury settle with the baron D'Arendt, for his pay and depreciation, up to the said 1st day of January, 1781; and that he be entitled to such future pay and emoluments, as may be allowed by Congress to other foreign officers in similar circumstances.

#### THURSDAY, July 10, 1781.

A letter, of the 11th, from Mr. Huntington, late president, was read;

*Ordered*, That the vote of thanks, and this letter in answer thereto be published.

On the application of the hon. S. Huntington, one of the delegates for the state of Connecticut:

*Ordered*, That a warrant issue in his favor on the treasurer, for 133 1-3 dollars, specie, to be charged to the said state, in part payment for the schooner *Spy*, furnished by the said state for the use of the United States, and lost in their service.

The committee, consisting of Mr. Varnum, Mr. Madison, Mr. Patridge, to whom was referred a memorial from Mr. Marbois, charge des affaires of France, delivered in a report; Whereupon, it was resolved as follows:

Whereas it has been represented to the United States in Congress assembled, that there are many French seamen, subjects of his most Christian majesty, in the United States, employed on board armed and other vessels in the service of the said states, or the citizens thereof: and, whereas, it hath also been represented, that the said seamen are necessary for completely manning the squadron under the count de Barras: All officers, therefore, commanding armed or other vessels, under commissions from the United States in Congress assembled, are hereby ordered and directed immediately to deliver to the said count de Barras, or to any person or persons by him appointed to receive the same, all French seamen, subjects of his said majesty, who are or may be entered on board their vessels respectively; and if any officer, commissioned as aforesaid, shall neglect or refuse complying with this order, he shall forfeit his commission, and be subject to such other punishment as to right shall appertain; and it is earnestly recommended to the legislatures and executives of the several states, to give effectual aid and support for the executing this order, and also for delivering to the count de Barras, all French seamen as aforesaid, that may be otherwise employed within their respective jurisdictions.

Congress proceeded to the election of a commissary-general of military stores; and, the ballots being taken, Samuel Hodgdon was elected, having been previously nominated by Mr. Howly.

#### FRIDAY, July 13, 1781.

On motion of Mr. Matthews, seconded by Mr. Motte,

*Resolved*, That the board of war direct rations to be furnished to the prisoners lately exchanged, and their families, who have already arrived, or may hereafter arrive in this city from Charleston, Savannah, or St. Augustine, until the further order of Congress:

That the board of war order a return to be made of the number of such persons as shall so draw rations, except the continental officers and their families, that a proper account may be kept of the same.

#### MONDAY, July 16, 1781.

An act passed by the general assembly of the commonwealth of Virginia, empowering the United States in Congress assembled, to levy a duty of five per cent. on imports and prizes, was read.

Mr. Edmund Randolph, a delegate for the state of Virginia, attended, and produced the credentials of his appointment, which were read:

A memorial of capt. Joseph Elliot, of the first South-Carolina regiment, was read:

*Ordered*, That it be referred to the board of war; and that the board of war take order for affording such relief to the officers of the United States, lately returned and returning from captivity in Charleston, as their circumstances may require, and the finances will admit.

A letter, of this day, from brigadier-general M'Intosh, was read:

Whereupon, it was moved by Mr. Varnum, seconded by Mr. Sherman, "that the resolution of Congress of the 15th day of February, 1780, respecting brigadier-general M'Intosh, be, and the same is hereby repealed."

To which it was moved by Mr. Walton, seconded by Mr. Howly, to add,

by way of amendment, "except so far as restrains him from taking command in the state of Georgia."

On the question to agree to the amendment, the yeas and nays being required by Mr. Walton,

<i>N.-Hampshire,</i>	Mr. Sullivan,	no	}	no	<i>Virginia,</i>	Mr. Jones,	no	}	no
	Livermore,	no					Madison,		
<i>Massachusetts,</i>	Mr. Patridge,	no	}	no		Bland,	no		
	Osgood,	no					M. Smith,		
<i>Rhode-Island,</i>	Mr. Varnum,	no	}	*		Randolph,	no	}	no
<i>Connecticut,</i>	Mr. Ellsworth,	no					Mr. Matthews,		
	Sherman,	no	}	no		Bee,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no					Motte,		
	Clymer,	no	}	no		Eveleigh,	no		
	T. Smith,	no					Mr. Walton,	ay	}
<i>Delaware,</i>	Mr. M'Kean,	no	}	no		Howly,	ay		
<i>Maryland,</i>	Mr. Jenifer,	no							
	Carroll,	no	}	no					
	Potts,	no							

So it passed in the negative.

On the question to agree to the main question; resolved in the affirmative.

A report from the board of war was read; Whereupon,

*Resolved*, That the board of war, commander in chief, and commanding officer of a separate army, be, and they are hereby empowered to order rations to be delivered to such officers on parole as they shall think proper, the resolution of the 19th of May, 1778, notwithstanding.

#### TUESDAY, July 17, 1781.

On report of a committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was referred a report of the board of admiralty:

*Resolved*, That William Nicholson be appointed a lieutenant of marines in the service of the United States:

*Ordered*, That the remainder be re-committed.

On report of a committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was referred a letter of the 12th, from F. Lewis, a commissioner of the board of admiralty, desiring leave to resign:

*Resolved*, That the resignation of the said Francis Lewis be, and it is hereby accepted.

#### WEDNESDAY, July 18, 1781.

On a report from the board of war:

*Resolved*, That the office of pay-master to the board of war and ordnance be abolished; and that the said pay-master do forthwith prepare his accounts for liquidation:

A report from the chamber of accounts, on the accounts of general Sullivan, was laid before Congress:

*Ordered*, That it be referred to the board of treasury; and that the board receive such evidence in support of the claims of Mr. Sullivan as shall be satisfactory, and the best which circumstances will admit.

On motion of Mr. Matthews, seconded by Mr. Walton,

*Resolved*, That the board of war be directed to pay the passages of the several continental officers already arrived, and that may hereafter arrive in this city from Charleston and St. Augustine.

The consideration of the ordinance for establishing a court of appeals in cases of capture, was resumed; and, after debate,

*Ordered*, That it be re-committed:

That Mr. Randolph be added to the committee.

*Resolved*, That it be an instruction to the said committee, to prepare and bring in an ordinance for regulating the proceedings of the admiralty courts of the several states in cases of capture, to revise and collect into one body

the resolutions of Congress and other convenient rules of decision, and to call upon the several legislatures, to aid by necessary provisions the powers reserved to Congress by the articles of confederation on the subject of captures from the enemy.

On report of a committee, consisting of Mr. M'Kean, Mr. Ellsworth, Mr. Bland, to whom was referred a motion relative to the navy of the United States of America :

*Resolved*, That the care of the marine prisoners, heretofore entrusted to the board of admiralty, be transferred to the commissary of prisoners under the superintendence of the board of war :

That the seal of the admiralty be deposited with the secretary of Congress; and that he seal and countersign the like commissions as have heretofore been issued by the board of admiralty by order of Congress, until a secretary of marine shall be appointed.

FRIDAY, July 20, 1781.

Mr. Mowry, a delegate for the state of Rhode-Island and Providence Plantations, attended, and produced the credentials of the delegates for that state, which were read.

The committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was re-committed part of the report of the board of admiralty, delivered in a report ; Whereupon,

*Resolved*, That Richard Dale and Alexander Murray, be appointed lieutenants in the navy of the United States; and that commissions be issued to them accordingly.

SATURDAY, July 21, 1781.

The committee, consisting of Mr. Bland, Mr. Clymer, Mr. Osgood, Mr. Matthews, Mr. Jenifer, Mr. Bee, to whom was referred a motion of Mr. Bland, delivered in a report :

The same being taken up, and the following paragraph, being under debate, viz.

“That for the purpose of administering suitable relief to these unfortunate but highly virtuous citizens (namely, sundry inhabitants of South-Carolina and Georgia, lately arrived in cartels from Charleston) a recommendation be immediately forwarded from Congress to the several executives in the Union, to promote a loan of money within their respective states; and that it be notified to them, that the delegates representing the states of South-Carolina and Georgia in Congress, have pledged the faith of the said states for the re-payment of the money so lent, in proportion to what shall be supplied to their respective citizens, as soon as the legislatures of the said states shall be in a condition to make provision for so doing; and that in the meantime the United States in Congress assembled, will guarantee the re-payment of all monies lent for the above purpose.

A motion was made by Mr. Varnum, seconded by Mr. Ellsworth, to postpone the consideration of that paragraph; and on the question for postponing, the yeas and nays being required by Mr. Bee,

<i>N.-Hampshire</i> , Mr. Sullivan,	ay	}	ay	<i>Maryland</i> , Mr. Jenifer,	no	}	no
Livermore,	ay			Carroll,	no		
<i>Massachusetts</i> , Mr. Patridge,	no	}	no	Potts,	no	}	no
Osgood,	no			<i>Virginia</i> , Mr. Madison,	no		
<i>Rhode-Island</i> , Mr. Mowry,	ay	}	ay	Bland,	no	}	no
Varnum,	ay			Randolph,	ay		
<i>Connecticut</i> , Mr. Ellsworth,	ay	}	ay	<i>N.-Carolina</i> , Mr. Sharpe,	no	}	*
Sherman,	ay			<i>S.-Carolina</i> , Mr. Matthews,	no		
<i>New-Jersey</i> , Mr. Witherspoon,	no	}	*	Bee,	no	}	no
<i>Pennsylvania</i> , Mr. Montgomery,	no			Motte,	no		
Clymer,	no	}	no	Evelcigh,	no	}	no
T. Smith,	ay			<i>Georgia</i> , Mr. Walton,	no		
<i>Delaware</i> , Mr. M'Kean,	no	}	*	Howly,	no		



So it passed in the negative.

A division being then called for, and a question taken on the first part, so far as the words "a loan of money within their respective states," inclusive: it was lost, only five states being in the affirmative.

MONDAY, July 23, 1781.

Mr. Elias Boudinot, a delegate for the state of New-Jersey, attended, and produced the credentials of his appointment, which were read.

On the report of a committee, consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe, to whom was referred an extract of general Washington's letter of the 28th of June last, respecting the clothing department:

*Resolved*, That the said extract of general Washington's letter, together with a letter from the superintendent of finance to the committee on the subject, be referred to the board of war; who are directed to confer with the superintendent of finance and the clothier, and make the best contracts in their power for procuring clothing for the army.

A motion was then made by Mr. Varnum, seconded by Mr. Sherman,

"That the amount of all clothing furnished or to be furnished during the present campaign and for the next winter, by any of the states for their several troops, shall be credited to the states respectively, according to a just and equitable value, and shall be considered as so much advanced on account of such state's quota of taxes for the present year."

On the question to agree to this motion, the yeas and nays being required by Mr. Sherman,

<i>N.-Hampshire</i> , Mr. Sullivan,	no	} div.	<i>Delaware</i> ,	Mr. McKean,	no	} *
	Livermore,			Mr. Carroll,	no	
<i>Massachusetts</i> , Mr. Lovell,	ay	} ay	<i>Maryland</i> ,	Potts,	no	} no
	Patridge,			Mr. Jones,	no	
	Osgood,	} ay	<i>Virginia</i> ,	Madison,	no	} no
<i>Rhode-Island</i> , Mr. Mowry,	ay			Bland,	no	
	Varnum,	} ay		M. Smith,	no	} no
<i>Connecticut</i> , Mr. Ellsworth,	ay			Randolph,	ay	
	Sherman,	} ay	<i>N.-Carolina</i> ,	Mr. Sharpe,	no	} *
<i>New-Jersey</i> , Mr. Witherspoon,	no		<i>S.-Carolina</i> ,	Mr. Matthews,	no	
	Boudinot,	} no		Bee,	no	} no
<i>Pennsylvania</i> , Mr. Montgomery,	no			Eveleigh,	no	
	Clymer,	} no	<i>Georgia</i> ,	Mr. Walton,	no	} no
	T. Smith,			Howly,	no	

So it passed in the negative.

The committee, consisting of Mr. Witherspoon, Mr. Carroll, Mr. Varnum, Mr. Sullivan, Mr. Matthews, appointed to receive the communications of the honourable the minister of France, reported the substance of the said communications.

Congress resumed the consideration of the report on Mr. Bland's motion; Whereupon,

*Resolved*, That the auditor-general be, and he is hereby, authorized and directed forthwith to ascertain, in the best manner he can, the specie value, at the time the same were dated, of the several bills drawn by major-gen. Lincoln, and accepted by the board of treasury, in pursuance of the resolutions of Congress of the 23d day of March and 6th of July, 1780; and that the superintendent of finance issue certificates for the amount thereof, with lawful interest from the respective dates; and also provide sufficient funds for the final redemption of the said certificates, and for the punctual payment of the interest thereof annually, in specie, in the mean time.

*Resolved*, That five suitable persons be appointed and authorized to open a subscription for a loan of 30,000 dollars, for the support of such of the citizens of the states of South-Carolina and Georgia, as have been driven from their country and possessions by the enemy, the said states, respectively, by

their delegates in Congress, pledging their faith for the re-payment of the sums so lent, with interest, in proportion to the sums which shall be received by their respective citizens, as soon as the legislatures of the said states shall severally be in condition to make provision for so doing, and Congress hereby guaranteeing this obligation:

That the said five persons do also receive voluntary and free donations, to be applied to the further relief of the said sufferers:

*Ordered*, That the president send a copy of the above resolution to the executives of the several states not in the power of the enemy, requesting them to promote the success of the said loan and donation in such way as they shall think best.

A letter, of this day, from F. Hopkinson, treasurer of loans, was read, requesting leave to resign:

*Ordered*, That his resignation be accepted.

*Resolved*, That the office of treasurer of loans be, and the same is hereby abolished; and that the business thereof be annexed to the office of treasurer of the United States.

### TUESDAY, July 24, 1781.

On motion of Mr. Witherspoon, seconded by Mr. T. Smith, it was resolved as follows:

Whereas the superintendent of finance, upon entering on his office, has represented that it would be proper that the board of treasury should continue to exercise the powers entrusted to them, until such time as he shall have made his arrangements, and is prepared to take up the business:

*Resolved*, That until the business be regularly transferred over to the superintendent of finance, the board of treasury continue in the discharge of the duties heretofore entrusted to them.

A letter, of the 16th May, from E. Forman, one of the commissioners of the board of treasury, was called for and read; Whereupon,

*Resolved*, That the resignation of the said Ezekiel Forman be, and it is hereby accepted.

On report of a committee, consisting of Mr. Varnum, Mr. Bland, Mr. Sullivan, to whom was referred a memorial of John Storey:

*Resolved*, That John Storey be entitled to the same pay and rations for his services, from the time of gen. Greene's resignation as quarter-master general, until the 21st day of April last, which he received or was entitled to receive when acting immediately under the said quarter-master general:

That the said John Storey immediately repair to camp, and there carefully transact and settle the business belonging to the late quarter-master general's department, until the further order of Congress; and for this service he shall be allowed, from the 21st day of April last, the pay and rations of a captain in the line of the army.

*Ordered*, That Mr. Storey be informed that his claim to rank is inadmissible; and that his claim for depreciation will be settled by the general plan when adopted for the staff of the army.

*Resolved*, That Messrs. William Bingham, John Bayard, George Mead, Jacob Barge, and Dr. Hutchinson, be, and they are hereby, appointed and authorized to open a subscription for a loan, agreeably to the resolution passed yesterday.

### WEDNESDAY, July 25, 1781.

Mr. Jonathan Elmer, a delegate for the state of New-Jersey, attended and took his seat.

A letter, of this day, from the superintendent of finance was read; Whereupon,

*Resolved*, That the interest to be allowed on the certificates granted for the bills drawn by major-gen. Lincoln, be at the rate of six per cent. per annum.

On report of a committee, consisting of Mr. Osgood, Mr. Potts, Mr. Livermore, to whom was referred a memorial of J. P. Jones, together with his account :

*Resolved*, That the charges of the said J. P. Jones, as exhibited in his accounts, No. 1, 2, 3, 4, 5, 6, and 7, be allowed ; and that the said report and accounts be referred to the board of treasury to take order.

On report of a committee, consisting of Mr. Ellsworth, Mr. Matthews, Mr. Madison, to whom was referred two letters from major-gen. Greene :

*Resolved*, That the president acquaint major-gen. Greene, that the measures he has pursued for the general security of the southern states, and for dispossessing the enemy of the several posts occupied by them, afford such proofs of his judgment, vigilance, and firmness, as recommend him to the entire approbation of Congress ; and that Congress are equally sensible of the zeal, gallantry, and perseverance displayed by the officers and soldiers under his command, in the various services in which they have been employed, and the difficulties with which they have contended.

#### THURSDAY, July 26, 1781.

Mr. N. Vandyke, a delegate for the state of Delaware, attended.

*Ordered*, That the board of treasury report to Congress what states have complied with the resolutions of Congress of the 18th March and 26th August, 1780, concerning the calling in the old continental money and the issuing the new.

#### MONDAY, July 30, 1781.

The board of war, to whom was referred the application of lieutenant de Marcellin, delivered in a report ; Whereupon,

*Ordered*, That lieutenant de Marcellin, of the 2d Pennsylvania regiment, have leave of absence till the 1st day of May, 1782, for the purpose of going to France on private business.

On report of a committee, consisting of Mr. Ellsworth, Mr. Clymer, Mr. Matthews, Mr. Sharpe, Mr. Madison, appointed to confer with the superintendent of finance on the means of defraying the expense of the delegates of such of the states, as from the events of the war may be unable to provide for their support during their attendance in Congress : also on the means for paying the salaries of the civil officers and clerks of the boards and offices immediately under Congress,

*Resolved*, That until the delegates for the states of North-Carolina, South-Carolina and Georgia, shall receive remittances from their respective states for their support during their attendance in Congress, the superintendent of finance be authorized and directed to supply such of them as have their families with them, a sum not exceeding 200 dollars per month each, and to such as have not families with them, 150 dollars per month each, the said sums to be charged to the said states respectively ; and that the superintendent of finance be authorized and directed to make provision for discharging the arrears of pay due to the officers on the civil establishment of the United States, and for the future payment of their salaries as the same shall become due.

A report of the board of war, on the arrangements made, and orders given by E. Cornell, at Springfield, was read ; Whereupon,

*Resolved*, That the board of war be, and they are hereby empowered to continue such of the officers in the laboratory and artificers at Springfield, as the good of the service may require ; and to remove all and every other officer in the laboratory or corps of artificers at that place, and proceed to make such further reforms in the department of the commissary of military stores at other posts as they judge may conduce to the public interest.

TUESDAY, July 31, 1781.

Mr. Duane and Mr. L'Houmedieu, two delegates for the state of New-York, attended.

On report of a committee, consisting of Mr. Carroll, Mr. Bland, Mr. Varnum, appointed to confer with the commander in chief, the board of war, and the superintendent of finance :

*Ordered*, That one of the members of the board of war be, and he is hereby directed to repair to head-quarters with the superintendent of finance, in order to consult with the commander in chief on the subject of the arrangement and numbers of the army for the ensuing year.

On report of a committee, consisting of Mr. Clymer, Mr. Root, Mr. Johnson, to whom was referred a letter from general Sullivan of the 25th of November, 1780 :

*Ordered*, That the board of treasury pass to the credit of general Sullivan the following sums in specie, viz. 100 dollars as a compensation for the expenses incurred by him in securing the military stores and ordnance in Fort-William and Mary, New-Hampshire, in the year 1775, and distributing them in various parts of the country for the use of the United States ; 1000 dollars for the extraordinary expenses, necessarily incurred by him on several occasions, as the commanding officer in a separate department, for which no provision or compensation has been made ; and 400 dollars as a reimbursement of the expenses incurred by him, after his resignation for the recovery of his health, which he had lost in the service and was thereby induced to retire.

A report from the board of war was read, enclosing accounts against the United States for the support and tuition of three Indian boys at Princeton ; Whereupon,

*Ordered*, That the same be referred to the board of treasury ; and that the board devise ways and means for furnishing colonel George Morgan with the sum of £ 137 currency of New-Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys of the Delaware nation, now at Princeton college ; for which sum colonel George Morgan is to be accountable.

WEDNESDAY, August 1, 1781.

On motion of Mr. Sherman, seconded by Mr. Varnum,

*Ordered*, That the committee on the post-office, the superintendent of finance, and post-master general, prepare and report the state of the present expenses of the post-office, and a system for regulating the same in future.

*Ordered*, That on the application of Mr. Sharpe, a delegate for the state of North-Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favour of Griffith Rutherford, brigadier-general, and ——— Isaacs, a colonel of militia of the state of North-Carolina, lately arrived in this city from captivity at St. Augustine, for the sum of 3000 dollars new emission, to be charged to the said state of North-Carolina.

A motion was made by Mr. Varnum, seconded by Mr. L'Houmedieu,

That a committee be appointed to enquire into the facts mentioned in the intercepted letter of the 7th February last, from lord George Germain to sir Henry Clinton, and report the result of their enquiries to Congress.

A motion was made by Mr. Bland, seconded by Mr. Sullivan, that that motion be postponed ;

On the question for posponing, the yeas and nays being required by Mr Varnum,

N.-Hampshire, Mr. Sullivan,	ay	}	ay	}	Massachusetts, Mr. Lovell,	ay
Livermore,	ay				Patridge,	no
					Osgood,	no

<i>Rhode-Island</i> , Mr. Mowry,	no	{	no	<i>Maryland</i> , Mr. Jenifer,	ay	{	div.
	Varqum,	no	{		Carroll,	no	{
<i>Connecticut</i> , Mr. Ellsworth,	no	{	no	<i>Virginia</i> , Mr. Jones,	no	{	
	Sherman,	no	{		Madison,	ay	{
<i>New-York</i> , Mr. Duane,	no	{	no		Bland,	ay	{
	L'Hommiedieu,	no	{		Randolph,	ay	{
<i>New-Jersey</i> , Mr. Boudinot,	ay	{	ay	<i>N.-Carolina</i> , Mr. Sharpe,	ay	{	*
	Elmer,	ay	{	<i>S.-Carolina</i> , Mr. Matthews,	ay	{	
<i>Delaware</i> , Mr. M'Kean,	ay	{	ay		Motte,	no	{
	Vandyke,	ay	{		Eveleigh,	ay	{
				<i>Georgia</i> , Mr. Walton,	no	{	*

So the question was lost.

On the question to agree to the motion, the yeas and nays being required by Mr. Varnum,

<i>N.-Hampshire</i> , Mr. Sullivan,	no	{	no	<i>Delaware</i> , Mr. M'Kean,	no	{	no
	Livermore,	no	{		Vandyke,	no	{
<i>Massachusetts</i> , Mr. Lovell,	no	{	no	<i>Maryland</i> , Mr. Jenifer,	ay	{	ay
	Patridge,	no	{		Carroll,	ay	{
	Osgood,	ay	{	<i>Virginia</i> , Mr. Jones,	no	{	
<i>Rhode-Island</i> , Mr. Mowry,	ay	{	ay		Bland,	ay	{
	Varnum,	ay	{		Randolph,	ay	{
<i>Connecticut</i> , Mr. Ellsworth,	ay	{	ay	<i>N.-Carolina</i> , Mr. Sharpe,	no	{	*
	Sherman,	ay	{	<i>S.-Carolina</i> , Mr. Matthews,	no	{	
<i>New-York</i> , Mr. Duane,	ay	{	ay		Motte,	ay	{
	L'Hommiedieu,	ay	{		Eveleigh,	no	{
<i>New-Jersey</i> , Mr. Boudinot,	no	{	no	<i>Georgia</i> , Mr. Walton,	ay	{	*
	Elmer,	no	{				

So the question was lost.

THURSDAY, August 2, 1781.

On a report from the board of treasury:

*Resolved*, That the arrearages and salaries due to officers on the civil list, shall be ascertained in specie value, and warrants for their respective balances, issued by the board of treasury under their seal, upon the commissioner of the loan-office of the state where the United States in Congress assembled, shall hold their sessions; and where any such specie warrants shall be granted to officers on that establishment, which can with more convenience be discharged by the said commissioner in paper currency issued under the act of the 18th of March, 1780, the same shall be discharged according to the rate of depreciation at the time of payment, on a comparison of the same with specie:

That to enable the loan-officer to make such payment in specie value, the board of treasury shall once a month, or oftener if they shall judge proper, ascertain the depreciation of the currency aforesaid, and instruct the said loan-officer to make his payments agreeable thereto.

The report of the committee, consisting of Mr. Montgomery, Mr. Sherman, Mr. Matthews, Mr. Vandyke, to whom was referred part of the report on gen. Sullivan's letter of the 25th of November last, was taken into consideration; and on the question, that it be recommended to the state of New-Hampshire to make good to general Sullivan the depreciation of his pay for the time he continued in service, in the like manner as has been done for the officers in the line of the said state now in service: the yeas and nays being required by Mr. Livermore,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	{	*	<i>New-York</i> , Mr. Duane,	no	{	no
<i>Massachusetts</i> , Mr. Osgood,	ay	{	ay		L'Hommiedieu,	no	{
	Patridge,	ay	{	<i>New-Jersey</i> , Mr. Boudinot,	no	{	no
<i>Rhode-Island</i> , Mr. Mowry,	ay	{	div.		Elmer,	no	{
	Varnum,	no	{	<i>Pennsylvania</i> , Mr. Montgomery,	no	{	no
<i>Connecticut</i> , Mr. Ellsworth,	no	{	div.		Clymer,	no	{
	Sherman,	ay	{	<i>Delaware</i> , Mr. M'Kean,	no	{	no
					Vandyke,	no	{



<i>Maryland,</i>	Mr. Jenifer,	no	} div.	<i>S. Carolina,</i>	Mr. Matthews,	no	} no
	Carroll,	ay			Bee,	no	
<i>Virginia,</i>	Mr. Jones,	no	} no		Motte,	no	
	Bland,	no			Eveleigh,	no	
	M. Smith,	no		<i>Georgia,</i>	Mr. Walton,	no	} div.
	Randolph,	no	} "		Howly,	ay	
<i>N.-Carolina,</i>	Mr. Sharpe,	ay					

So it passed in the negative.

FRIDAY, August 3, 1781.

A memorial of the delegates, as agents for the state of New-York, respecting the controverted jurisdiction of the district called the New-Hampshire Grants, was read.

The committee, consisting of Mr. Boudinot, Mr. Sharpe, Mr. Clymer, appointed to take into consideration the state of the American prisoners in the power of the enemy, report,

"That they have collected together and cursorily looked into various evidences of the treatment our unhappy fellow-citizens, prisoners with the enemy, have heretofore and still do meet with, and find the subject of so important and serious a nature as to demand much greater attention, and fuller consideration, than the present distressed situation of those confined on board the prison-ships at New-York will now admit of;" wherefore, they beg leave to make a partial report, and desire leave to sit again:

They accordingly submitted a report; Whereupon,

*Resolved*, That it appears to Congress that a very large number of marine prisoners and citizens of these United States, taken by the enemy, are now close confined on board prison-ships in the harbour of New-York:

That the said prison-ships are so unequal in size to the number of prisoners, as not to admit of a possibility of preserving life in this warm season of the year, they being crowded together in such a manner as to be in danger of suffocation, as well as exposed to every kind of putrid and pestilential disorder:

That no circumstances of the enemy's particular situation can justify this outrage on humanity, it being contrary to the usage and custom of civilized nations, thus deliberately to murder their captives in cold blood, as the enemy will not assert that prison-ships, equal to the number of prisoners, cannot be obtained so as to afford room sufficient for the necessary purposes of life:

That the enemy do daily improve these distresses to enlist and compel many of our citizens to enter on board their ships of war, and thus to fight against their fellow-citizens and dearest connexions:

That the said marine prisoners, until they can be exchanged, should be supplied with such necessaries of clothing and provisions as can be obtained to mitigate their present sufferings:

That, therefore, the commander in chief be, and he is hereby, instructed to remonstrate to the proper officer within the enemy's lines, on the said unjustifiable treatment of our marine prisoners, and demand, in the most express terms, to know the reasons of this unnecessary severity towards them; and that the commander in chief transmit such answer as may be received thereon, to Congress, that decided measures for due retaliation may be adopted, if a redress of these evils is not immediately given:

That the commander in chief be, and he is hereby, also instructed to direct the supplying the said prisoners, with such provisions and light clothing, for their present more comfortable subsistence, as may be in his power to obtain, and in such manner as he may judge most advantageous for these United States.

*Ordered*, That the committee have leave to sit again.

**MONDAY, August 6, 1781.**

A report from the board of treasury, on the account of A. Lee, esq. was read, wherein pursuant to the order of the 29th May last, they state his extraordinary expenses in Europe, including articles purchased, and said to be returned as per account, 19,836 livres, 14 sous and 6 deniers; and his ordinary expenses in Europe, and from Boston, 135,361 livres, 3 sous and 10 deniers; that the sum charged by Mr. Lee, for supplies sent to the state of Virginia, (part of the moneys he received for the public use,) amounting to 16,853 livres and 10 deniers, are acknowledged to have been received, and for which the governor and council of that state, by their certificate, dated the 13th of March last, and filed in the treasury-office, promise to account with the United States; and that there remains due to him for his salary, and that of his secretary, the sum of £2238 17 9, sterling; Whereupon,

**Resolved,** That Congress agree to the report, allowing the foregoing accounts to the credit of Mr. A. Lee.

**TUESDAY, August 7, 1781.**

On report of a committee, consisting of Mr. Matthews, Mr Varnum, Mr. Ellsworth, to whom were referred letters of the 1st and 5th of July, from the governor of New-York:

It appearing to Congress from the representation of governor Clinton and other information, that commissions have been granted by the governor of the state of Connecticut, for the purpose of suppressing commerce from the enemy into that state, authorizing the persons to whom those commissions are granted, among other things, to go on Long-Island and other islands adjacent, and seize the goods and merchandise they should there find, the property of British subjects; and that the said commissions are attended with many abuses dangerous to the public, as well as distressing to citizens and friends of these United States, inhabiting the said islands, some of whom, under pretext of the powers contained in such commissions, have been plundered of their property, and otherwise evil treated; and that the further continuance of the said commissions would impede the public service in that quarter; therefore,

**Resolved,** That the governor of the state of Connecticut be, and he is hereby, desired immediately to revoke the said commissions, by him granted, so far as they authorize the seizure of goods on Long-Island, or elsewhere, on land not within the state of Connecticut.

Congress took into consideration the report of the committee, consisting of Mr. Sherman, Mr. M'Kean, Mr. Corroll, Mr. Varnum, Mr. Madison, to whom was re-committed their report on a letter of the 20th June, from the president of New-Hampshire, together with a motion relative to the subject; and thereupon came to the following resolutions:

Whereas the states of New-Hampshire and New-York have submitted to Congress the decision of the disputes between them and the people inhabiting the New-Hampshire Grants, on the west side of Connecticut river, called the state of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim and exercise the powers of a sovereign independent state, and have requested to be admitted into the federal union of the United States of America: in order thereto, and that they may have an opportunity to be heard in vindication of their said claim:

**Resolved,** That a committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New-Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the federal union of these

states, in case the United States in Congress assembled shall determine to recognize their independence, and thereof make report :

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people, to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union; and the said committee are hereby instructed to give notice to the agents of the states of New-Hampshire and New-York, to be present at the conference aforesaid.

*Resolved*, That in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New-Hampshire and New-York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the article of confederation; and that the United States will accordingly guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid.

WEDNESDAY, August 8, 1781.

The board of war, to whom was referred a memorial of Nicholson Broughton, requesting to be discharged from the payment of twelve guineas, advanced to him in France on account of the United States, report that, in their opinion, a compliance with his request in this instance would be improper :

*Resolved*, That Congress agree to the said report.

The board of war, to whom was referred a letter from J. Pierce, report that, in their opinion, the resolution of Congress of the 27th August, 1780, clearly and decidedly sets forth the principles on which the outstanding debts of the public are to be collected, and which ought to be strictly adhered to by the pay-master general in receiving all moneys due from individuals to the United States :

*Resolved*, That Congress agree to the said report.

Congress proceeded to the election of a committee of five, to confer with such person or persons as may be appointed by the people residing on the New-Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled shall determine to recognize their independence : the members chosen, Mr. Boudinot, Mr. Vandyke, Mr. Carroll, Mr. Montgomery, Mr. Randolph.

The board of treasury, in compliance with the resolutions of the 30th July, directing them to devise ways and means for furnishing col. George Morgan with the sum of £ 157, currency of New-Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys, of the Delaware nation, at Princeton college, delivered in a report ; Whereupon,

*Resolved*, That for the support and education of the Indian youth at Princeton college, in the state of New-Jersey, under the care of colonel George Morgan, of the said state, the sum of 365 60-90 dollars in specie, be paid to him by Dr. J. Witherspoon, president of the said college, out of moneys placed in his hands by the North-Carolina provincial prisoners of war, exchanged in the year 1778, to discharge the demands of the United States against them for subsistence ; for which sum the aforesaid col. George Morgan is to be accountable.

THURSDAY, August 9, 1781.

The committee, consisting of Mr. Randolph, Mr. Vandyke, Mr. Ellsworth, to whom was referred a memorial of the hon. the minister plenipotentiary of

France, together with the plan of a convention between the most Christian King and the United States, for the purpose of determining and fixing the functions and prerogatives of their respective consuls, vice-consuls, and agents, delivered in a report; which being read,

*Ordered*, That it be re-committed, and that the committee be instructed to confer with the minister of France upon a plan of a convention for determining and fixing the functions and prerogatives of consuls, &c. and report to Congress the precise explanation which shall be given to them, as well as a plan of convention, adapted to the subject and the circumstances of America.

FRIDAY, *August 10*, 1781.

Congress proceeded to the election of a secretary for foreign affairs; and the ballots being taken, Mr. Robert R. Livingston was elected, having been previously nominated by Mr. Floyd.

On motion of the delegates of South-Carolina,

*Resolved*, That the gentlemen appointed by the act of Congress of the 23d July last, to collect loans and donations for the distressed inhabitants of South-Carolina and Georgia, be, and hereby are, authorized and empowered to pay the same into the hands of the delegates of the said states, or to their order, agreeably to the said act; and that receipts for the same be taken and lodged in the treasury office.

MONDAY, *August 13*, 1781.

A letter, of this day, from lieutenant J. Townes, was read; Whereupon, Congress took into consideration a report of the board of war of the 20th July; and, thereupon,

*Ordered*, That the board of war draw warrants on the pay-master general, in favour of the several officers of the army of these states, lately prisoners of war in South-Carolina and Georgia, for six months nominal pay in the new emission.

A report of the board of war on a letter of the 29th July, from A. Hammond, was read; Whereupon,

*Ordered*, That the letter of A. Hammond, requesting leave to go to sea for the recovery of his health, be referred to the commander in chief; who is hereby empowered to enquire into the circumstances of his case, and to grant his request if he thinks it proper and expedient.

On motion of Mr. Sherman, seconded by Mr. Lovell,

*Resolved*, That the establishment of the office of interpreter of the French and Spanish languages be, and hereby is abolished.

WEDNESDAY, *August 15*, 1781.

A letter, of the 10th, from J. Storey, was read; Whereupon,

*Ordered*, That J. Storey be informed that Congress do, at his request, dispense with his further service.

FRIDAY, *August 17*, 1781.

Congress took into consideration a report of the committee appointed in pursuance of the resolution of the 7th, to confer with agents to be appointed by the people of the New-Hampshire Grants, on the west-side of Connecticut river; and to whom was referred a letter from Jonas Fay, Ira Allen and Bezaleel Woodward, wherein they represent, that the said J. Fay, I. Allen and B. Woodward, have produced to them a commission, under the hand of Thomas Chittenden, esq. empowering them, among other things, to repair to the American Congress, and to propose to and receive from them terms of an union with the United States; Whereupon,

*Resolved*, That it be an instruction to the committee to confer with the

said Jonas Fay, Ira Allen and Bezaleel Woodward, on the subject of the mission.

MONDAY, *August 20, 1781.*

A report from the board of treasury of the 16th was read, respecting bills of exchange drawn by British officers, for their subsistence while prisoners of war in the state of Connecticut, returned protested.

*Ordered*, That the same be referred to a committee of three: the members, Mr. Boudinot, Mr. T. Smith, Mr. Clymer.

The committee appointed to confer with J. Fay, I. Allen and B. Woodward, delivered in a report, which was taken into consideration; and, thereupon, Congress came to the following resolution:

It being the fixed purpose of Congress to adhere to the guarantee to the states of New-Hampshire and New-York, contained in the resolution of the 7th instant:

*Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line, beginning at the north-west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course, then by the west bounds of the townships granted by the late government of New-Hampshire to the river running from South-Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to the latitude of 45 degrees north, excepting a neck of land between Missiskoy-Bay and the waters of Lake Champlain.

On the question to agree to this, the yeas and nays being required by Mr Sharpe,

<i>N-Hampshire</i> , Mr. Livermore,	ay	>*	<i>Delaware</i> , Mr. M'Kean,	ay	}	ay
<i>Massachusetts</i> , Mr. Patridge,	ay	}	Vandyke,	ay	}	ay
Osgood,	ay	}	<i>Maryland</i> , Mr. Jenifer,	ay	}	ay
<i>Rhode-Island</i> , Mr. Mowry,	ay	>*	Carroll,	ay	}	ay
<i>Connecticut</i> , Mr. Ellsworth,	ay	}	<i>Virginia</i> , Mr. Madison,	ay	}	ay
Sherman,	ay	}	Bland,	ay	}	ay
<i>New-York</i> , Mr. Duane,	no	}	M. Smith,	ay	}	ay
L'Hommedieu,	no	}	Randolph,	ay	}	ay
<i>New-Jersey</i> , Mr. Boudinot,	ay	}	<i>N.-Carolina</i> , Mr. Sharpe,	ay	>*	ay
Elmer,	ay	}	<i>S.-Carolina</i> , Mr. Matthews,	no	}	ay
<i>Pennsylvania</i> , Mr. Atlee,	ay	}	Bee,	ay	}	ay
Clymer,	ay	}	Eveleigh,	ay	}	ay
T. Smith,	ay	}	<i>Georgia</i> , Mr. Walton,	ay	}	ay
			Howly,	ay	}	ay

So it was resolved in the affirmative.

TUESDAY, *August 21, 1781.*

The report of a committee, consisting of Mr. Boudinot, Mr. Varnum, Mr. Sherman, to whom was referred a letter of the 8th, from general Washington, was taken into consideration; wherein the committee state, "that at a meeting of the commissaries of prisoners for both parties, at Germantown, in the month of June, 1778, a demand was made by the American commissary for payment of a number of Canadian officers, taken at St. John's and Chambly, and sent into the British lines in 1776. The British commissary at the same time demanding an allowance for 440 American prisoners taken at the Cedars, and returned on parole: that it was then agreed between the said commissaries that both these demands should rest, one against the other, till the British commissary should obtain a certificate; Whereupon,

*Resolved*, That the commander in chief be, and he is hereby authorized,



to go into a full exchange of lieutenant general Burgoyne, and all the remaining officers of the convention of Saratoga, with the enemy, in such manner as to him shall appear most conducive to the general interests of the United States.

*Resolved*, That the prisoners taken by the enemy at the Cedars, may be considered as subjects of exchange, notwithstanding any former resolutions of Congress to the contrary; and that the commander in chief be, and hereby is instructed to charge in the intended exchange, the several officers taken in Canada, and whose ranks were disputed by the enemy and engaged by their commissary to be settled and adjusted in manner aforesaid, according to the ranks mentioned in their paroles, unless the enemy produce sufficient proof of a different rank.

The report of the committee, to whom was referred a report of the board of treasury relative to certain bills of exchange, was taken into consideration; and, thereupon,

*Resolved*, That the commander in chief be, and he is hereby instructed to remonstrate to the commanding officer of the British troops, on the subject of 16 sets of bills of exchange, drawn by sundry British officers prisoners of war, in payment of the allowance of two dollars per week, allowed them by Congress, and by the said officers ordered to be protested, as appears by the several protests attending the said bills; and that he report the answer of the said commanding officer to Congress:

*Ordered*, That the board of treasury furnish the commander in chief with certified copies of the said bills, protests, and the letters attending them.

#### WEDNESDAY, *August 22, 1781.*

On motion of Mr. Madison, seconded by Mr. Randolph,

*Resolved*, That in case general Burgoyne shall have been exchanged for the honourable Henry Laurens, credit shall be given for the officers which may be received for him in the general exchange, authorized by the resolution of the 21st.

#### THURSDAY, *August 23, 1781.*

On a report of the board of war of the 27th of May, 1779:

*Resolved*, That as the corps of light dragoons are generally detached from each other, which renders it impracticable for their brigade chaplain to perform the duties of his office, such a chaplain is unnecessary; and that the present brigade chaplain to the light dragoons, if any there be, be discharged from service.

On a report of the board of war of 24th July, 1779:

*Resolved*, That the supreme executive council of Pennsylvania be requested to appoint proper persons to make a just appraisement of the leaden spouts taken in the year 1777, from the houses of sundry inhabitants of Philadelphia, by order of Congress, for the use of the United States; and that they direct the appraisers to return to the board of war and ordnance such their valuation and appraisement.

On a report of the board of war of 19th December, 1780:

*Resolved*, That the board of war and ordnance be, and hereby are authorized and directed to take measures for vacating the contract made by order of Congress the 19th day of September, 1777, with James Byers, cannon-founder.

*Ordered*, That the remainder of the report of the board of war be recommended to the board to take order.

On motion of Mr. Varnum, seconded by Mr. Duane,

*Ordered*, That a circular letter be written by the president, to the executives of the states unrepresented in Congress, urging them, in the strongest terms, to send forward a full representation as expeditiously as possible.

FRIDAY, *August 24, 1781.*

On a report of the board of admiralty of the 8th of July, 1781:

*Resolved*, That Joshua Johnson, esq. be, and he is hereby authorized to examine, audit and settle the accounts of T. D. Schweighhauser, against the frigate Alliance; and that the minister plenipotentiary of these United States at the court of Versailles be, and he is hereby empowered and directed to pay the balance that may be found due to the said T. D. Schweighhauser, upon the liquidation and settlement of the said J. Johnson.

On a report of a committee, consisting of Mr. Montgomery, Mr. Lovell, Mr. Atlee, Mr. Walton, to whom were referred reports of the board of war of the 10th and 15th:

*Resolved*, That until the further order of Congress, the treasurer of the United States be, and he is hereby authorized and directed to pay to Elizabeth Burgen, by quarterly payments, the sum of 53 1-3d dollars per annum, from the 13th day of July last.

On motion of Mr. M. Smith, seconded by Mr. Jones,

*Resolved*, That the superintendent of finance be, and hereby is directed to make provision for support of the civil list, agreeably to the resolution of the 30th day of July last; the report of the board of treasury, and the act of Congress thereon of the 2d instant, notwithstanding.

TUESDAY, *August 28, 1781.*

*Ordered*, That the board of war make sale of the cannon and stores, now in the state of Rhode-Island, and late belonging to the sloop Argo, for specie only; and that the monies arising therefrom, be placed in the hands of the superintendent of finance.

*Ordered*, That Mr. Bland have leave of absence.

WEDNESDAY, *August 29, 1781.*

Mr. Matthews laid before Congress information given by Mr. J. Newville, respecting the treatment of col. Isaac Haynes by the British commandant at Charleston; and, thereupon, made a motion, which was seconded by Mr. Walton:

*Ordered*, That the said information and motion be referred to a committee of three: the members, Mr. Randolph, Mr. Duane, Mr. Varnum.

On a report of a committee, consisting of Mr. Bland, Mr. Varnum, Mr. Duane, to whom were referred sundry motions relative to the board of admiralty, the navy-boards, and the mode of conducting the business of the navy:

*Resolved*, That for the present an agent of the marine be appointed, with authority to direct, fit out, equip and employ the ships and vessels of war belonging to the United States, according to such instructions as he shall from time to time, receive from Congress:

That all prizes belonging to the United States be sold under his direction and the produce deposited by him in the hands of the superintendent of finance:

That all accounts and demands for pay and for all disbursements and expenses, respecting the said marine, be transmitted to the said agent for settlement and payment: and that he cause regular entries thereof to be made and kept:

That he shall be allowed a salary at the rate of 1500 dollars per annum, in full of all charges and expenses whatsoever: that he shall also be allowed a clerk, who shall receive for his services, a salary at the rate of 500 dollars per annum:

That both the agent and clerk shall, before they enter into their respective offices, take an oath before the president of Congress, well and faithfully to execute the trust reposed in them, according to the best of their skill and

judgment; and shall enter into bond with good and sufficient surety for the due and faithful performance of his office, which shall be lodged in the office of the secretary of Congress:

That as soon as the said agent shall enter into the execution of his office, the functions and appointments of the board of admiralty, the several navy-boards, and all civil officers appointed under them, shall cease and be determined:

And lastly, that the registers, books and papers, belonging to the admiralty and navy boards, or in their custody, shall be delivered over to the said agent, and preserved by him.

#### THURSDAY, August 30, 1781.

On a report of a committee, consisting of Mr. Sherman, Mr. Matthews, Mr. Randolph, to whom was referred a letter of the 25th, from the lieutenant-governor and sundry members of the privy-council of South-Carolina:

*Ordered*, That a warrant be drawn on the treasurer to advance to the hon. Christopher Gadsden, lieutenant governor of the state of South-Carolina, and the hon. Thomas Ferguson, Richard Hutson, Benjamin Cattel and David Ramsey, members of the privy-council of the said state, the sum of 266 2-3 dollars specie, each, on their application, and charge the same to the account of the said state:

*Ordered*, That the board of war furnish the hon. Christopher Gadsden, Thomas Ferguson, Richard Hutson, Benjamin Cattel and David Ramsey, with a wagon and team to carry their baggage to South-Carolina.

#### FRIDAY, August 31, 1781.

A report of the board of war, on a letter of this day, from brigadier-general Knox, in pursuance of orders from the commander in chief, was read; wherein they recommend that it may be resolved,

"That the board of war take order for forwarding to the southern army, all the repaired arms in the city of Philadelphia, to be disposed of as the commander in chief shall think proper, the resolution of the 26th April notwithstanding."

A motion was made by Mr. Sharpe, seconded by Mr. Carroll, to strike out the words "southern army," and in lieu thereof, insert, "governor of the state of North-Carolina;" and to strike out what follows the word "Philadelphia," and in lieu thereof, insert, "for the purpose of arming the new levies raised in that state for the service of the United States."

On the question to agree to this, the yeas and nays being required by Mr. Sharpe,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Maryland</i> ,	Mr. Jenifer,	no	}	div.
<i>Massachusetts</i> , Mr. Lovell,	no				Carroll,	ay		
	Patridge,	no	}	<i>Virginia</i> ,	Mr. Jones,	no	}	no
	Osgood,	no			Madison,	no		
<i>Rhode-Island</i> , Mr. Mowry,	no	}	no		Bland,	no		
	Varnum,	no			M. Smith,	no		
<i>Connecticut</i> , Mr. Sherman,	no	}	*		Randolph,	no		
<i>New-York</i> , Mr. Duane,	no			<i>N.-Carolina</i> ,	Mr. Sharpe,	ay	}	*
	L'Hommedieu,	no	}	<i>S.-Carolina</i> ,	Mr. Matthews,	no		
<i>Pennsylvania</i> , Mr. Atlee,	no	}	no		Eveleigh,	no	}	no
	Clymer,	no		<i>Georgia</i> ,	Mr. Walton,	no		
<i>Delaware</i> , Mr. M'Kean,	no	}	*		Howly,	no	}	no

So it passed in the negative.

On the question to agree to the report of the board of war, the yeas and nays being required by Mr. Sharpe,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	}	*	<i>Rhode-Island</i> , Mr. Mowry	ay	}	ay
<i>Massachusetts</i> , Mr. Lovell,	ay				Varnum,		
	Patridge,	ay	}	<i>Connecticut</i> , Mr. Sherman,	ay	}	*
	Osgood,	ay					

<i>New-York,</i>	Mr. Duane,	ay	} ay	<i>Virginia,</i>	Mr. Jones,	ay	} ay
	L'Homedieu,	ay			Madison,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay		Bland,	ay	} ay
	Clymer,	ay			M. Smith,	ay	
<i>Delaware,</i>	Mr. M'Kean,	ay	} div.	<i>N-Carolina,</i>	Mr. Sharpe,	no	} *
<i>Maryland,</i>	Mr. Jenifer,	ay		<i>S. Carolina,</i>	Mr. Matthews,	ay	
	Carroll,	no			Eveleigh,	ay	} ay
				<i>Georgia,</i>	Mr. Walton,	ay	
					Howly,	ay	} ay

So it was resolved in the affirmative.

The committee, consisting of Mr. Randolph, Mr. Vandyke, Mr. Ellsworth, to whom was referred a memorial of the honorable the minister of France of the 23d, informing, that the situation of affairs requires that Mr. de l'Etonbe, consul-general of France, in the four New-England states, should immediately repair to the place of his destination, delivered in a report; Whereupon,

*Resolved,* That upon Mr. de l'Etonbe presenting to the United States in Congress assembled, his commission as consul-general of France, an act be thereupon passed recognizing him in his proper character;

That upon delivery thereof, the exequatur, or a public notification of the quality of Mr. de l'Etonbe, shall issue from the supreme executive power without fee or perquisite of office:

*Resolved,* That until the ratification of some convention respecting consular power, between his most Christian majesty and the United States, the same mode of recognition be observed.

#### TUESDAY, September 4, 1781.

A letter, of this day, from general Washington, was read, relative to the sending an officer to inspect the situation of the prisoners in the power of the enemy; Whereupon,

*Resolved,* That the commander in chief be, and he is hereby empowered to act in this matter as he shall think most conducive to the public interest.

On a report of a committee, consisting of Mr. Varnum, Mr. Atlee, Mr. Bee, to whom was referred a letter of 31st August from colonel du Buysson:

*Resolved,* That lieutenant-colonel du Buysson have leave of absence to return to France:

*Resolved,* That the board of war be, and is hereby directed to write to the marquises de Castres and Segur, ministers of the marine and war departments in France, expressing the high sense which Congress entertain of the distinguished merit and conduct of lieutenant-colonel du Buysson in the service of the United States, and particularly of his bravery displayed in the action of the 16th of August, 1780, near Camden, and his efforts to bring off the field major-general the baron de Kalb, who was mortally wounded, in consequence of which services he was honored with the commission of brigadier-general by the governor of North-Carolina.

On a report of a committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, to whom was referred a letter of the 2d, from Mr. J. Laurens, together with sundry papers, containing an account of the negotiation with which he was entrusted, by the commission of the 23d of December, 1780,

*Resolved,* That all the clothing, artillery, arms and military stores, shipped in pursuance of the orders of the honorable John Laurens, special minister to the court of Versailles, for the use of the United States, be upon their arrival in any of the ports of these United States delivered to the order of the board of war, who are hereby empowered and directed to take charge and direction of the same.

That all the money shipped by the order of Mr. Laurens, for the use of the United States, be upon its arrival delivered to the order of the superintendent of finance, who is hereby empowered and directed to take charge of the same.

WEDNESDAY, *September 5, 1781.*

The board of treasury report, "that in pursuance of the order of the 21st June last, they have caused the accounts of captain Miguel Lorenzo Ysnardy, to be adjusted, and find that there is due to him for eight pieces of cannon and naval stores, delivered to the commanding officer at Charleston, prior to the siege thereof, the sum of 1967 83-90 dollars specie, and for the pay of his ship's company employed during the siege, the further sum of 2237 45-90 dollars; that captain Ysnardy having informed the board, that the cannon mentioned above, is the property of his Catholic majesty, and distinct from the stores which are his private stock, the board has granted him certificates, one for the amount of the cannon, and another for the stores, with which he is satisfied; that captain Ysnardy declines receiving any satisfaction for the sum due to himself and crew, assisting in the defence of Charleston, from a desire of shewing his attachment to the American cause."

On a report of the board of war,

*Resolved*, That the accounts of Samuel Caldwell, late agent-clothier, for articles purchased by him, under the orders of the board of war, be referred to the board of treasury for settlement; and that the board settle the balances due to these several creditors, and report the same to Congress.

On a report of a committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, to whom was referred the report of the hon. J. Laurens, special minister of the United States at the court of Versailles, respecting his mission:

*Resolved*, That the conduct of lieutenant-colonel Laurens, in his mission to the court of Versailles, as special minister of the United States, is highly agreeable to Congress, and entitles him to public approbation.

*Resolved*, That lieutenant-colonel Laurens, have leave to join the army agreeably to his request.

*Resolved*, That the board of war take order for putting lieutenant-colonel de Buysson, with respect to his arrears of pay, on a footing of equality with the rest of the officers of the army; and that his pay be liquidated in specie up to this day, and a certificate for the balance made out and delivered to him.

The report of a committee, consisting of Mr. Clymer, Mr. Randolph, Mr. Carroll, to whom was referred a petition of Roger Kean, in behalf of himself and the officers, mariners and marines, of the privateer brigantine of war, called the *Holker*, was taken into consideration; whereby it appearing, that the petitioners entered an appeal according to law against Patrick Mahon and others, in the court of admiralty of Pennsylvania, and the necessary stipulations would have been executed in due form, and within due time, had it not been for the indisposition and death of the register:

That the time allowed for the execution of these stipulations having elapsed through these means, the petitioners moved the court of appeals to receive stipulations executed after that time, but their motion was overruled; the court being by strictness of law incapable to interpose:

*Resolved*, That it be an instruction to the court of appeals, to receive and hear the appeal of the petitioners against the said Patrick Mahon, and others, they entering into the necessary stipulations, on or before the 20th day of this present month of September, and giving reasonable notice to the counsel of the said Mahon and others, of this resolution and the execution of such stipulations.

A report of a committee, consisting of Mr. Sherman, Mr. Duane, Mr. Clymer, to whom was referred a report on a letter of the 12th of July, 1780, from John Bradford, was taken into consideration, and, thereupon, it was resolved as follows:



Whereas by a resolution of Congress of the 11th day of May, 1778, the board of war of the state of Massachusetts, was requested with all convenient speed, in the best manner, and for the most money possible, to make sale of a certain snow and her cargo, said to be the property of Messrs. John Ignatius de Oliveria Percira and Anthony Dios Santos, subjects of the king of Portugal; and to deposit the net proceeds in the public funds of these United States for the benefit of the owners: and whereas the United States have since paid the said owners the value and amount of the said snow and cargo:

*Resolved*, That the superintendent of finance be, and he is hereby authorized and directed, on behalf of the United States, to take order for the settlement of the accounts respecting the said snow and cargo with the said board of war, and receive from them the net proceeds thereof, according to the just value thereof at the time of sale, with interest thereon at the rate of six per cent. per annum, or the loan-office certificates taken for the same, if the money was deposited in the funds agreeably to the said resolution.

On a report of a committee, consisting of Mr. Sherman, Mr. Duane, Mr. Randolph, to whom were referred the instructions from the assembly of the state of Georgia to the delegates of that state, and their motion thereon relative to major-general R. Howe:

*Ordered*, That the extracts from the minutes of the general assembly of the state of Georgia, respecting the conduct of major-general Robert Howe, in his command of the troops in the said state, in December, 1778, be transmitted to the commander in chief; and that he be directed to cause an enquiry to be made into the matters therein alleged, in such manner as he shall judge proper, as soon as circumstances will admit.

THURSDAY, September 6, 1781.

On a report from the board of treasury:

*Ordered*, That the post-master general cause to be delivered to the board of treasury, all letters directed to the said board, charging the postage arising thereon to account, which he is to exhibit to the auditors on the settlement of his accounts.

FRIDAY, September 7, 1781.

A memorial from the hon. the minister plenipotentiary of France, was read, enclosing a commission of the sieur Philip Joseph de l'Etombe, consul-general of France, in the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, and Connecticut; Whereupon,

*Ordered*, That the said commission be registered; and that the act of recognition be in the following words:

BY THE UNITED STATES IN CONGRESS ASSEMBLED:

It is hereby made known to all whom it may concern, that full credence and respect are to be paid to Philip Joseph de l'Etombe, as consul-general of France, for the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, and Connecticut, which states are called upon respectively, by virtue of the powers delegated by the confederation to the United States in Congress assembled, to furnish the said Mr. de l'Etombe with their exequatur or notification of his quality, delivering one copy thereof to the said Mr. de l'Etombe, and causing another to be published in one or more gazettes. Done at Philadelphia, this 7th day of September, in the year of our Lord, 1781, and in the 6th year of our independence.

By the United States in Congress assembled,

THOMAS M'KEAN, *President*,  
CHARLES THOMSON, *Secretary*.

Attest,

*Resolved*, That the president inform the supreme executive power of the states aforesaid, that Congress recommend the following form of the exequatur, to wit:

## TO ALL WHOM IT MAY CONCERN:

The sieur Philip Joseph de l'Etombe, having been recognized by the United States in Congress assembled, as consul-general of France, in the state (or commonwealth) aforesaid, it is hereby declared that the privileges, pre-eminence and authority belonging to such character and quality are due to him.

Some further information being laid before Congress and read, respecting col. Haynes:

*Ordered*, That the report of the committee on the information of Mr. Neufville, and motion of Mr. Matthews, respecting col. Haynes, be re-committed; and that the further information be referred to the said committee.

A report of a committee, consisting of Mr. Jenifer, Mr. Sharpe, Mr. Clymer, to whom was referred a report of the board of war, was taken into consideration, wherein they state, that there is due to the following persons, mentioned in a memorial from capt. J. P. Jones, for services on board the Ariel, the sums of money to their names respectively annexed, viz.

To William Nicholson, captain of marines, including his pay to the 25th of August last, 392 36-90 dollars:

To Louis de la Valette, lieutenant of marines, to do. 289 36-90 dollars:

To Charles Prielay, captain's steward, to 16th May, 101 68-90 dollars:

To Cudreux, captain's cook, to do. 51 22-90 dollars:

That there appears due to French volunteers, for services on board the said ship Ariel, whose names are in a list transmitted by Mr. Holker, in his letter of the 14th of August, the sum of 666 16-90 dollars:

That there is due to capt. Joseph Hardy, of marines, late of the frigate Confederacy, being the balance of his account of pay, as stated at the pay-office, to the 3d of August, the sum of 337 68-90 dollars:

*Ordered*, That the pay-master of the navy board pay the several sums afore-mentioned.

*Ordered*, That so much of the report as relates to major Nicholas be re-committed.

*Ordered*, That so much of Mr. Holker's letter, of the 14th of August, as relates to apprehending French seamen, be transmitted to the supreme executive council of Pennsylvania.

On motion of Mr. Varnum, seconded by Mr. Duane,

*Resolved*, That until an agent of marine shall be appointed by Congress, all the duties, powers and authority assigned to the said agent, be devolved upon and executed by the superintendent of finance:

That as soon as the said superintendent shall take upon him the execution of the duties, powers and authority hereby devolved upon him, the functions and appointments of the board of admiralty, the several navy boards, agents, and all civil officers under them, shall cease and determine:

*Resolved*, That the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, be delivered over to the said superintendent of finance, and preserved by him.

On a report of a committee, consisting of Mr. Varnum, Mr. Sharpe, Mr. Carroll, to whom was referred a report of the board of war on a letter from the quarter-master general, respecting forage in Westchester:

*Resolved*, That major-gen. Heath, or the commanding officer in the eastern department, cause immediate and equitable measures to be taken for ascertaining the quantity of forage expended by the allied army under the command of general Washington, in the county of Westchester, in the state of New-York, during the present campaign, which hath not been accounted for; and that he direct the deputy quarter-master in that department to give certificates accordingly to the state agent of New-York, or any other person or persons authorized to receive the same.

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**MONDAY, September 10, 1781.**

A letter, of this day, from William Grayson, one of the commissioners of the board of war, was read, requesting that Congress will now be pleased to accept his resignation as commissioner in the war office.

*Resolved*, That his resignation be accepted.

A memorial from the hon. the minister plenipotentiary of France was read, enclosing a commission from his most Christian majesty, appointing the sieur Holker consul-general in the states of New-York, New-Jersey, Pennsylvania, and Delaware :

*Ordered*, That the said commission be registered, and an act of recognition issued thereupon.

On a report of a committee, consisting of Mr. Varnum, Mr. Atlee, Mr. Duane, to whom was referred a letter, of this day, from the board of war :

*Resolved*, That it be, and hereby is, recommended to the states of New-Jersey and Pennsylvania, immediately to embody 3000 men each, properly officered and equipped, and cause them to rendezvous at such place or places as the commanding officers shall direct.

**TUESDAY, September 11, 1781.**

An ordinance for regulating the treasury, &c. was read a third time, and passed in the following form :

An ordinance for regulating the treasury, and adjusting the public accounts.

Be it ordained by the United States in Congress assembled, that from and after the 20th day of September, 1781, the functions and appointments of the commissioners of the treasury, chambers of accounts, auditor-general, auditors and extra commissioners of accounts, their assistants, under officers and clerks, shall cease and determine ; that for the more effectual execution of the business of the treasury, and the settlement of the public accounts, the following officers shall be appointed in aid of the superintendent of finance, his assistant, secretary and clerks, namely, a comptroller, a treasurer, a register, auditors and clerks. The comptroller shall be appointed by Congress, with general authority to inspect and superintend the settlement of public accounts, and all subordinate officers concerned therein ; it shall be his immediate duty to see that the public accounts are expeditiously and properly adjusted, and accurately and safely kept. And, that it may be done with the greater facility, he shall direct a general form in which all the public accounts shall be stated and rendered. He shall take care that the balances of public moneys are punctually deposited in the hands of the treasurer. The comptroller shall commit every account to such clerk for examination, as he shall judge most proper for that purpose, naming also the auditor to whom the clerk shall transmit it. When an account is audited in a manner herein after described, it shall be reported to the comptroller, and any person who shall think himself aggrieved by the judgment of the auditor, shall have a privilege of appealing, within fourteen days, to the comptroller. In all such appeals the comptroller shall openly and publicly hear the parties, and his decision shall be conclusive. The account being finally adjusted, shall be transmitted by the comptroller to the register, to be entered on record ; and a note of the balance shall be certified by the comptroller to the superintendent of finance, to make out the proper warrant for payment.

The treasurer shall be appointed by Congress. It shall be his duty to receive and keep all moneys of the United States, and issue them on warrants drawn by the president of Congress, or the superintendent of finance. On receiving money he shall give a receipt, and on every payment take one, to serve as his voucher. He shall render his accounts quarterly to the comptroller for examination and settlement, and transmit a copy, when audited, to the superintendent.

The register shall be appointed by Congress. He shall keep all the public accounts, both of receipts and expenditures, and every warrant on the treasury or others shall be entered and countersigned by the register before it shall be paid. He shall have the appointment of the clerk or clerks necessary to assist him in his office.

The auditors, the number of whom shall be fixed by the superintendent of finance, shall be appointed by Congress. After an account shall be examined by the clerk, in the manner herein after directed, it shall be delivered to the auditor, who shall hear the party and the clerk, and determine upon the objections, and being satisfied that the account is properly adjusted, shall pass it as audited, and transmit it to the comptroller.

The clerks, the number of whom shall also be regulated by the superintendent of finance, shall be appointed by the comptroller: it shall be their duty, respectively, to examine all accounts which shall be committed to them by the comptroller, to correct all errors, and to note in writing what may appear exceptionable, either as to the propriety of the charge, or the validity of the vouchers; and transmit the accounts with his remarks, to the auditor; and the party, for himself, and the clerk, on behalf of the public, shall be heard before the auditor.

That the several officers before mentioned, shall respectively take an oath, to be administered by the president of Congress, or one of the judges of the supreme or superior court within any of the United States for the faithful execution of the trust reposed in them respectively.

*Resolved*, That the salary of the comptroller be 1850 dollars per annum:

That the salary of the treasurer be 1500 dollars per annum:

That the salary of the register be 1200 dollars per annum:

That the salary of each auditor be at the rate of 1000 dollars per annum:

That the salary of each clerk be at the rate of 500 dollars per annum.

*Resolved*, That the superintendent of finance be, and hereby is, authorized to appoint a secretary in his office, with a salary of 1000 dollars per annum.

### WEDNESDAY, September 12, 1781.

On a report of a committee, consisting of Mr. Matthews, Mr. Sherman, Mr. T. Smith, to whom were referred the letters of the 8th and 10th from the superintendent of finance:

*Resolved*, That the superintendent of finance be, and hereby is, authorized and directed to fit out and employ the ships of war belonging to these United States, in such manner as shall appear to him best calculated to promote the interest of these United States; and that all necessary expenses incurred in consequence thereof, be defrayed by the United States.

The committee, consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman, to whom was referred a letter from S. Deane, of the 15th of May last, report,

"That provision is made for the examination of Mr. Deane's accounts, by the appointment of a vice-consul;" Whereupon,

*Ordered*, That Mr. Deane be informed of that appointment.

The committee, consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman, to whom was referred a letter of the 12th of April last, from Mr. W. Lee, report,

"That upon principles admitted by Congress, in the settlement of an account similar to that transmitted by Mr. Lee, there appears to be due to him a balance of 42,189 livres tournois;" Whereupon,

*Ordered*, That the account be referred to the superintendent of finance, to take order for payment of the balance, with interest at the rate of six per cent. per annum, from this day, as soon as the state of the public finances will admit.

### THURSDAY, September 13, 1781.

On motion of Mr. Sherman, seconded by Mr. Witherspoon,

**Resolved,** That Thursday, the 13th day of December next, be appointed to be observed as a day of public thanksgiving throughout the United States and that a committee be appointed to prepare and report a proclamation suitable to the occasion: The members, Mr. Witherspoon, Mr. Montgomery, Mr. Varnum, Mr. Sherman.

FRIDAY, September 14, 1781.

On motion of Mr. Randolph, seconded by Mr. Sherman,

**Resolved,** That until the ratification of some convention between his most Christian majesty and the United States, concerning vice consular power, every vice-consul of his most Christian majesty shall, upon the application of the consul appointing him, to the supreme executive power of the state to which he may be sent, receive the exequatur, in like form with the exequatur delivered to a consul *mutatis mutandis*, and thereupon, the same proceedings shall be had with respect to publication.

MONDAY, September 17, 1781.

Mr. Telfair, a delegate from the state of Georgia, attended, and took his seat.

On a report of a committee, consisting of Mr. Livermore, Mr. Jones, Mr. Matthews, to whom was referred a letter of the 28th of August, from the governor of Rhode-Island, &c.

**Resolved,** That it be recommended to the executive power of the state of Rhode-Island, &c. to settle and pay the reasonable rents not already paid, of such store-houses as have been used by order of the commanders of the French fleet and army in that state, and charge the same to the United States.

TUESDAY, September 18, 1781.

On a report of a committee, consisting of Mr. Varnum, Mr. Livermore, Mr. Atlee, to whom were referred the letter of the 25th of August, from major-general Greene, and the letter of the 17th inst. from the lieutenant-governor of South-Carolina; it was resolved as follows:

The United States in Congress assembled, viewing with abhorrence the barbarous and unexampled conduct of the British commanders in the late murderous and wanton execution of colonel Haynes, a citizen of the state of South-Carolina, and being impressed with the necessity of putting a stop to such violations of the laws of nations and arms:

**Resolved,** That the conduct of major-general Greene, in taking necessary measures for retaliation, be, and hereby is approved.

**Resolved,** That major-general Greene be, and hereby is authorized to take the most prudential measures in reforming and completing the corps of South-Carolina and Georgia state troops.

A report of a committee, consisting of Mr. Randolph, Mr. Duane, Mr. Varnum, to whom were referred several motions on the subject of retaliation, together with two letters, one from major-general the marquis de la Fayette, and the other from the hon. Dr. Franklin, minister plenipotentiary of the United States at the court of Versailles, was taken into consideration; and,

It appearing from the depositions of Humphry Mechamhor, Ranson Savage, Thomas Wood, Jesse Farrar, and Thomas Duffy, that the enemy are in the daily practice of forcing such Americans as have been captivated into their own sea-service by the most pointed cruelties: it also appearing from the letter of the minister plenipotentiary of these United States at the court of Versailles, that American prisoners in Great-Britain are increasing in number by the transportation of them thither from New-York, and the refusal of the British admiralty to exchange Americans for any British prisoners not taken by American armed vessels: and it further appearing, that no regular cartel hath hitherto been established:

The foregoing facts being taken into consideration, and it being further



recollected, that besides these proofs of British inhumanity, the files of Congress abound with instances, in which American citizens have been sacrificed in noisome dungeons, for their inflexible patriotism in refusing to assume arms against their country :

*Resolved*, That the board of war be, and are hereby directed to set apart 500 British prisoners, including a due proportion of officers, to whom exchange shall be denied, until the American prisoners now in Great-Britain, be returned to these states by exchange or otherwise :

That the board of war report a plan and an estimate of the expense for erecting Symsbury mines, in the state of Connecticut, into a state prison for the reception of British prisoners of war, and for the purpose of retaliation.

WEDNESDAY, *September 19, 1781.*

On motion of Mr. Boudinot, seconded by Mr. Duane,

*Ordered*, That major-general St. Clair cause the levies of the Pennsylvania line, now in Pennsylvania, to rendezvous at or near Philadelphia, with all possible expedition.

*Ordered*, That the intelligence this day received respecting the movements of the enemy at New-York, be transmitted to major-general Heath.

*Resolved*, That the state of Delaware be requested, immediately to hold the whole of the militia of that state in readiness, and that one-half of them may be forthwith ordered into the field, as the movements of the enemy at New-York indicate an attack in that quarter.

Congress proceeded to the election of officers in the treasury office ; and the ballots being taken, Michael Hillegas was elected treasurer, having been previously nominated by Mr. Sherman ; and Joseph Nourse was elected register, having been also nominated by Mr. Sherman.

THURSDAY, *September 20, 1781.*

On motion of Mr. Sharpe,

*Resolved*, That the governor and council of the state of North-Carolina be desired to erect a monument, at the expense of the United States, not exceeding the value of 500 dollars, to the memory of the late brigadier-general Davidson, who commanded the militia of the district of Salisbury, in the state of North-Carolina, and was killed on the first day of February last, fighting gallantly in the defence of the liberty and independence of these states.

On motion of Mr. Walton, seconded by Mr. Telfair,

*Resolved*, That the legislature of the state of Georgia be desired to erect a monument, at Sunbury, in the said state, at the expense of the United States, not exceeding 500 dollars, to the memory of the late brigadier-general Scriven, who fell, covered with wounds, fighting for the liberties of the United States.

On a report of the board of war respecting the hospital department :

*Resolved*, That the present vacancies of hospital physicians and surgeons, be filled up by the senior surgeons of the hospital lately deranged ; the eldest hospital mates or regimental surgeons, as shall be recommended by the director and chief physician and surgeon to the army :

That all future vacancies of hospital physicians and surgeons, be filled by the eldest regimental surgeons and hospital mates, who shall be reckoned of equal grades, who shall, upon examination, be found qualified, and obtain a certificate of recommendation from the director and chief physician and surgeon of the army, or of the deputy-director and chief physician in a separate department :

That the persons requisite to fill the higher grades in the hospital and medical department, be appointed, from time to time, by Congress, according to merit and abilities :

That all surgeons to regiments or corps not belonging to the line of any particular state, be nominated by the director of the hospitals, and the chief physician and surgeon of the army, subject to the approbation of the commander in chief, and shall be equally entitled to promotion to hospital physicians and surgeons with the regimental surgeons of state lines.

On recommendation of the director appointed by the board of war:

*Resolved*, That Dr. Joseph Young, a deranged senior surgeon, and doctors Goodwin Wilson, Daniel Jenifer, Samuel Edmondson and George Campbell, eldest surgeon's-mates, be promoted to the rank of hospital physicians and surgeons, to fill the vacancies occasioned by the resignations of doctors Bloomfield, Scott, Hagan and Jackson, and the promotion of Dr. Burnet.

On the recommendation of the deputy-director, approved by the board of war:

*Resolved*, That doctors Thomas Tudor Tucker, and Vickers, be appointed physicians and surgeons in the hospital for the southern department:

That Daniel Smith be appointed assistant-deputy purveyor, and John Carne assistant-deputy apothecary, in the southern department.

FRIDAY, September 21, 1781.

A letter, of this day, from the superintendent of finance, was read, with sundry papers relative to the hospital department:

*Ordered*, That they be referred to a committee of three.

A motion was made by Mr. Duane, seconded by Mr. Varnum,

"That the resolutions respecting the filling up vacancies in the general hospital, and the promotions made yesterday, be suspended until the committee to be appointed shall have reported."

And on the question to agree to this, the yeas and nays being required by Mr. Duane,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	}	*	<i>Delaware</i> ,	Mr. M'Kean,	ay	}	*
<i>Massachusetts</i> , Mr. Lovell,	ay	{		<i>Maryland</i> ,	Mr. Jenifer,	no	{	dir.
	Patridge	ay	{		Carroll,	ay	{	
	Osgood,	ay	{	<i>Virginia</i> ,	Mr. Jones,	ay	{	
<i>Rhode-Island</i> , Mr. Mowry,	ay	{	ay		Madison,	ay	{	ay
	Varnum,	ay	{		Bland,	no	{	
<i>Connecticut</i> , Mr. Sherman,	ay	}	*		Randolph,	ay	}	*
<i>New-York</i> , Mr. Duane,	ay	{	ay	<i>N.-Carolina</i> ,	Mr. Sharpe,	ay	{	*
	L'Hommiedieu,	ay	{	<i>S.-Carolina</i> ,	Mr. Matthews,	no	{	
<i>New-Jersey</i> , Mr. Boudinot,	ay	}	*		Bee,	no	{	no
<i>Pennsylvania</i> , Mr. Montgomery,	ay	{			Motte,	no	{	
	Atlee,	ay	{		Eveleigh,	no	{	
	Clymer,	ay	{	<i>Georgia</i> ,	Mr. Walton,	ay	{	ay
	T. Smith,	ay	}		Howly,	ay	}	

So the motion was lost.

Congress resumed the second reading of the ordinance respecting captures; and on the question to agree to the following paragraph, viz.

"On the re-capture by a citizen, of any negro, mulatto, Indian or other person from whom labour or service is lawfully claimed by another citizen, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, a reasonable salvage being paid by the claimant to the re-captor, not exceeding  $\frac{1}{4}$ th part of the value of such labour or service, to be estimated according to the laws of the state of which the claimant shall be a citizen: but if the service of such negro, mulatto, Indian or other person, captured below high-water mark, shall not be legally claimed by a citizen of these United States, he shall be set at liberty."

The yeas and nays being required by Mr. Matthews,

<i>Massachusetts</i> , Mr. Lovell,	ay	{		<i>Rhode-Island</i> , Mr. Mowry,	ay	{	ay
	Patridge,	ay	{		Varnum,	ay	{
	Osgood,	ay	}	<i>Connecticut</i> , Mr. Sherman,	ay	}	*

<i>New-York,</i>	Mr. Duane,	ay	} ay	<i>Virginia,</i>	Mr. Madison,	ay	} ay
	L'Hommedieu,	ay			Bland,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} *		Randolph,	ay	} *
<i>Pennsylvania,</i>	Mr. Montgomery,	ay		<i>N.-Carolina,</i>	Mr. Sharpe,	ay	
	Atlee,	ay	} ay	<i>S.-Carolina,</i>	Mr. Matthews,	no	} no
<i>Delaware,</i>	Mr. McKean,	ay			Motte,	no	
<i>Maryland,</i>	Mr. Jenifer,	ay	} ay	<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Carroll,	ay			Howly,	ay	

So it was resolved in the affirmative.

**Ordered,** That Monday next be assigned for the third reading of this ordinance.

A committee, consisting of Mr. Osgood, Mr. L'Hommedieu, Mr. Sherman, appointed to enquire into the state of the accounts depending before the board of treasury and chambers of accounts, report,

“That there are no matters depending before the board of treasury, but what without inconvenience, may be taken up by the proper officers under the new arrangement: but that there are sundry accounts depending before the chambers of accounts and considerable progress made in the settlement of some of them; Whereupon,

**Ordered,** That the late commissioners of the chambers of accounts make a fair state of the several accounts referred them for settlement, so far as they have proceeded to adjusting the same, and deliver them to the comptroller or the auditors that shall be appointed to complete the settlement thereof, with all such remarks as they may have noted respecting any of the accounts by them examined, which are not completely settled.

#### SATURDAY, September 22, 1781.

On motion of Mr. Varnum, seconded by Mr. Sherman,

**Ordered,** That no appointment be made of mates, to supply the places of those promoted in the general hospital by the resolution of the 20th instant, until the further order of Congress.

#### MONDAY, September 24, 1781.

Mr. Clark, a delegate for New-Jersey, and Mr. Hanson, a delegate for Maryland, attended, and took their seats.

A report of the board of war was read; Whereupon,

**Resolved,** That brigadier-general Irwin be, and hereby is ordered to repair forthwith to Fort-Pitt, and take upon him the command of that garrison until further orders:

That brigadier-general Irwin be, and hereby is authorized and directed to arrange the troops which compose the garrison of Fort-Pitt and its dependencies, in such manner as to retain no more officers than are absolutely necessary for the number of non-commissioned officers and privates at those posts:

That brigadier-general Irwin be, and hereby is authorized and directed to arrange the staff-departments within his command, so as to retain no more officers or persons in those departments than the service absolutely demands:

That he be, and hereby is further empowered to call in, from time to time, such aids of militia as may be necessary for the defence of the post under his command and the protection of the country; and for this purpose the executives of the states of Virginia and Pennsylvania are requested to direct the proper officers of the militia in their respective states, to obey such orders as they shall receive, from time to time, from brigadier-general Irwin, for the purpose aforesaid.

On a report from the board of war:

**Resolved,** That major Lomagne, late of colonel Armand's legionary corps, be permitted to retire from the service of the United States, in which he has distinguished himself by his personal bravery, his state of health not permitting his continuance in service.

Congress proceeded to the election of a comptroller; and the ballots being taken, Mr. William Churchill Houston was elected, having been previously nominated by Mr. Boudinot.

Mr. A. Middleton, a delegate for the state of South-Carolina, attended, and produced the credentials of his appointment, which were read.

**TUESDAY, September 25, 1781.**

A report from the board of war was read; Whereupon,

*Resolved*, That the Rev. William Plumb receive the pay and emolument of a brigade-chaplain, from the 20th day of September, 1777, when he was appointed chaplain to the northern hospital by general Gates, during the time he continued in service:

That it be recommended to the state of Connecticut, of which Mr. Plumb is an inhabitant, to settle with him for his pay and depreciation, during the time he was on duty, on the principles adopted by them in their settlements with the officers of the line of that state.

On motion of Mr. Sherman, the following resolution was passed:

Whereas by a resolution of the 24th of August, 1780, officers are entitled to subsistence-money in lieu of rations withheld, according to the just cost of such rations:

*Resolved*, That the superintendent of finance be authorized and directed to ascertain the value of a ration, from time to time, and certify the same to the pay-master general, who shall govern himself accordingly in settling with the officers.

On a report of a committee, consisting of Mr. Duane, Mr. Bee, Mr. Sherman, to whom was referred a report of the board of treasury respecting the claim of the representatives of Mr. du Coudray:

*Resolved*, That the sum of 14,886 livres, 6 sous and 1 denier tournois, be passed to the credit of the representatives of the late Mons. du Coudray, in the books of the treasury; and that the same when paid, shall be in full of his claims against these United States.

On a report of a committee, consisting of Mr. Duane, Mr. Livermore, Mr. Jones, to whom was referred a letter of the 9th of August last, from general Schuyler:

*Resolved*, That the commissioners for Indian affairs in the northern department, be instructed, in answer to the representation and request of the friendly Caghnawagas, to assure them that Congress have a just sense of their attachment to the United States, and will embrace every occasion to maintain their rights and redress their grievances.

**THURSDAY, September 27, 1781.**

Mr. Edward Telfair, and Mr. Noble Wimberly Jones, two of the delegates for the state of Georgia, attended, and produced the credentials of their appointment, which were read.

On motion of Mr. Matthews, seconded by Mr. Varnum,

*Ordered*, That major-general St. Clair pursue the orders of the commander in chief, the order of the 19th instant notwithstanding.

The ordinance respecting captures, being taken up for a third reading, a motion was made that a vote be taken on a particular paragraph, on which at the second reading a vote had been taken, and which by that vote had been established.

An objection being made to this motion as being out of order, the president called for the judgment of the house:

And the question being put, "is the motion in order?" passed in the negative.

**FRIDAY, September 28, 1781.**

On motion of Mr. Sherman, seconded by Mr. Mowry,

**Resolved**, That it be, and hereby is recommended to the several states of which the general officers of the army are inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective state lines.

A report from the board of war was read; Whereupon,

**Resolved**, That it be, and hereby is recommended to the states of which the judge advocate and his assistants are respectively inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective state line.

Mr. Boudinot laid before Congress the warrant drawn on Dr. J. Wither-  
spoon, pursuant to the resolution of the 8th of August last, returned under protest, with sundry letters relative to the same.

On a report of a committee, consisting of Mr. Bland, Mr. Sherman, Mr. Montgomery, to whom was referred a letter of the 26th, from major Lomagne;

**Ordered**, That the superintendent of finance furnish major Lomagne, with a bill of exchange for 140 dollars, as a gratuity in addition to his pay, toward defraying the expenses of his return to France.

On motion of Mr. Varnum, seconded by Mr. Madison,

**Resolved**, That the commissioners of the board of war continue to exercise the duties appertaining to the war department, until the 1st day of November next, any former resolution to the contrary notwithstanding.

On a report of a committee, consisting of Mr. Atlee, Mr. Sharpe, Mr. Motte, to whom was referred a letter of the 21st from colonel Armand:

**Resolved**, That the superintendent of finance take order for the payment of the sum of £ 90 sterling advanced to colonel Armand by the governor of Massachusetts, and for 660 dollars specie for the payment of eight horses purchased by colonel Armand, to enable him to proceed to Philadelphia, for which several sums colonel Armand is to be accountable:

That the board of war, in conjunction with the superintendent of finance, take order for the recruiting and mounting colonel Armand's legion to its establishment.

#### SATURDAY, September 29, 1781.

On a report of a committee, consisting of Mr. Matthews, Mr. Boudinot, Mr. Varnum, Mr. Atlee, to whom was referred a letter of the 16th of August from brigadier-general Moultrie:

**Resolved**, That the superintendent of finance enable the pay-master to discharge the warrants drawn on him by virtue of the resolution of the 13th of August last, by advancing three months real pay to each of the officers therein mentioned.

#### MONDAY, October 1, 1781.

A letter of 17th September, from R. R. Livingston, was read, accepting the office of secretary for foreign affairs:

-On motion of Mr. Sherman, seconded by Mr. Varnum,

**Resolved**, That if an officer of the army shall be appointed secretary at war, he shall retain his rank in the army; but his pay and other emoluments as an officer shall be discontinued while he acts as secretary at war.

On motion of Mr. Sherman, seconded by Mr. Mowry,

**Resolved**, That the resolution of the 9th day of February, so far as relates to the salaries of a secretary at war and a secretary of marine, be, and it is hereby repealed; and that the salary of each of those officers be 4000 specie dollars per annum.

#### TUESDAY, October 2, 1781.

A letter of the 1st, from the superintendent of finance, was read, with sundry papers enclosed, stating his proceedings in the execution of secret service committed to him, and informing that the vessels in which he



had remitted sundry bills for account of the United States, had been captured by the enemy, in consequence of which, fearing the bills might have fallen into the enemy's hands, he had written to Mr. Jay, on whom the bills were drawn, and desired him to protest them in case of their being presented; Whereupon,

*Ordered*, That the president inform the superintendent of finance, that Congress approve his conduct, and are well satisfied with his attention to the public interest in directing the protest of the bills.

**THURSDAY, October 4, 1781.**

Mr. Benjamin Hawkins, a delegate for the state of North Carolina, attended, and produced the credentials of his appointment, which were read.

A letter, of the 7th September, from the governor of North-Carolina, was read, enclosing an act passed by the legislature of that state, in pursuance of the resolution of Congress of 3d February last, empowering Congress to levy a duty of five per cent. on all imports and prizes.

A report of the board of war on the memorial of captain lieutenant A. Hoops, was read; Whereupon,

*Resolved*, That captain lieutenant Adam Hoops, have leave to go to France until exchanged, his pay and rations to be suspended during his absence.

**FRIDAY, October 5, 1781.**

*Resolved*, That a consul be appointed to reside in France in the room of W. Palfrey:

Congress proceeded to an election; and, the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. Montgomery.

A motion was made by Mr. Montgomery, seconded by Mr. Sherman,

"That the supreme executive powers of Pennsylvania and Delaware respectively, be desired to discharge all, or as many as they think proper, of their militia now in service, taking proper and effectual measures that they may be in readiness to assemble again without delay if necessary.

On which the yeas and nays being required by Mr. Varnum,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	> *	<i>Delaware</i> , Mr. M'Kean,	ay	> *
<i>Massachusetts</i> , Mr. Lovell,	ay		<i>Maryland</i> , Mr. Hanson,	ay	> ay
	Patridge,	ay		Carroll,	ay
	Osgood,	ay	<i>Virginia</i> , Mr. Madison,	ay	> ay
<i>Rhode-Island</i> , Mr. Mowry,	ay	> div.		Bland,	ay
	Varnum,	no		Randolph,	no
<i>Connecticut</i> , Mr. Sherman,	ay	> *	<i>N.-Carolina</i> , Mr. Hawkins,	no	> *
<i>New-York</i> , Mr. Duane,	ay	> ay	<i>S.-Carolina</i> , Mr. Matthews,	no	> ay
	L'Hommedieu,	ay		Bee,	no
<i>New-Jersey</i> , Mr. Clark,	no	> ay		Middleton,	no
	Boudinot,	ay		Motte,	no
	Elmer,	ay		Eveleigh,	ay
<i>Pennsylvania</i> , Mr. Montgomery,	ay	> ay			
	Atlee,	ay			
	Clymer,	ay			
	T. Smith	no			

So the motion was lost.

**MONDAY, October 8, 1781.**

On motion of Mr. Matthews, seconded by Mr. Sherman,

*Ordered*, That a committee of three be appointed to take order respecting the safe keeping of the papers in the several offices of the treasury, until the officers elected under the new arrangements shall have qualified and entered on the duties of their office: the members, Mr. Sherman, Mr. Osgood, and Mr. Matthews.

A report from the board of war was read, on the memorial of Nathaniel

**Mitchel**, late a major in one of the 16 battalions, which by the act of October 3, 1780, were reduced on the 1st of January last; and,

On the question, that a warrant issue in his favor for two months' pay on account of service performed since the 1st of January, the votes being taken, it passed in the negative.

A letter, from **Robert Stark**, detained a prisoner in Charleston, was read; Whereupon,

On motion of **Mr. Eveleigh**, seconded by **Mr. Bland**,

*Ordered*, That major-gen. **Greene** enquire of the British commanding officer in South-Carolina, the reasons why **Mr. Robert Stark** has been excluded from the benefits of exchange, to which every American citizen as well as soldier, prisoner of war, in the southern district, was entitled by the general cartel agreed on between the two commanders of that district. And if the commanding officer shall not make any answer to his requisition within a reasonable time, or shall allege such reason as shall appear to be unfounded or unsatisfactory, that major-gen. **Greene** take the necessary measures for retaliation.

**FRIDAY, October 12, 1781.**

On a report of the board of war:

*Ordered*, That it be recommended to the executive of the state of Massachusetts, to settle with, and pay the officers of the late mustering department within that state that have not been settled with, by allowing them what their arrears of pay and year's advance was worth in specie, at the time they respectively became due, and charge the same to the United States.

**SATURDAY, October 13, 1781.**

A letter, of this day, from **W. C. Houston**, was read, declining the office of comptroller; Whereupon,

Congress proceeded to the election of a comptroller; and, the ballots being taken, **James Milligan** was elected, having been previously nominated by **Mr. M'Kean**.

The report of a committee, consisting of **Mr. Oswood**, **Mr. Sherman**, **Mr. Matthews**, to whom were referred the papers relative to the order on **Dr. J. Witherspoon**, which has been protested, was taken into consideration; and, thereupon,

*Resolved*, That the protested order and papers be referred to the superintendent of finance, with whom **Dr. Witherspoon** is to account, for the money due to the United States in his hands, which he received of prisoners that have been exchanged, and pay over the same to the said superintendent, who is to take order for the support and education of the Indian youths at Princeton college, under the care of col. **George Morgan**, out of the said moneys, or otherwise, as he may think expedient.

That **Dr. J. Witherspoon**, upon paying over the said money, be indemnified by the United States, from any demand the said prisoners may have against him on this account, for want of original vouchers, until they may be furnished by the comptroller of accounts, who is directed to liquidate, as soon as may be, the charges against the said exchanged prisoners upon principles of equity; and if it shall appear that the agent of the said prisoners has paid more than is found to be due, the balance shall be immediately refunded to him.

**MONDAY, October 15, 1781.**

On a report of a committee, consisting of **Mr. Duane**, **Mr. Randolph**, **Mr. Matthews**, **Mr. Boudinot**, **Mr. Sherman**, appointed to confer with the hon. minister plenipotentiary of France:

*Ordered*, That so much of the report of the hon. J. Laurens, of his mission to the court of Versailles, of the late conference between the minister of France and a committee of Congress, and of the several letters of the hon. John Jay, and the hon John Adams, as relates to the finances of the United States, be referred to the superintendent thereof, to be transmitted to the several states, in such manner as he shall think proper.

The report of a committee on the post-office, was taken into consideration, and on the question, "that from and after the 1st day of December next, all franks be abolished."

The yeas and nays being required by Mr. Varnum,

<i>Massachusetts</i> , Mr. Lovell,	no	}	<i>Maryland</i> , Mr. Jenifer,,	ay	}
Patridge,	ay		Hanson	no	
Osgood,	no		Carroll,	ay	
<i>Rhode-Island</i> , Mr. Mowry,	no	}	<i>Virginia</i> , Mr. J. Jones,	no	}
Varnum,	ay		Madison,	ay	
<i>Connecticut</i> , Mr. Sherman,	ay	}	Randolph,	ay	
<i>New-Jersey</i> , Mr. Clark,	ay		<i>S.-Carolina</i> , Mr. Matthews,	no	}
Boudinot,	no	}	Bee,	ay	
Elmer,	no		Middleton,	no	
<i>Pennsylvania</i> , Mr. Clymer,	no	}	Motte,	no	
T. Smith,	ay		Eveleigh,	no	
<i>Delaware</i> , Mr. M'Kean,	no	}	<i>Georgia</i> , Mr. Telfair,	no	

So it passed in the negative.

TUESDAY, October 16, 1781.

A letter of the 5th September, from general Greene, with a report from brigadier-general Marion, of his successful enterprize against the enemy, and,

A letter, of the 11th, from the same, giving an account of the victory gained over the enemy at the Eutaw Springs, the 8th of the said month, were read.

*Ordered*, That a petition of lieutenant Pepin, together with his accounts, be referred to the comptroller for settlement, in the same manner as ordered for the officers of colonel Hazen's regiment.

On report of the board of war:

*Resolved*, That the reasons inducing Congress to supersede by their order of the 5th August, 1780, captain George Turner from his office of commissary of prisoners, did not proceed from any mal-practice or dishonorable procedure of captain Turner in his said office, but from motives not affecting his integrity or capacity.

The delegates of Virginia representing to Congress, that the committee to whom were re-committed the territorial cessions of Virginia, New-York and Connecticut, with a memorial signed J. Wilson, by order of the United Illinois and Wabash companies, and the memorial of William Trent, in behalf of himself and other members of the Indiana company, had given them notice that they should, on Saturday last, confer with the agents of the said companies, on the subject of their several memorials; that the said delegates conceiving that no claim ought to be received from the said companies adverse to the cessions of Virginia, or any other state, because if the lands to which pretensions made by those companies lie within the limits of such state, by its authority alone can the merits of their claims be enforced, because the jurisdiction of Congress in territorial questions, being confined to an adjustment of the confronting claims of different states, if the lands claimed by those companies lie without the limits of Virginia, or any of the other states, Congress are interdicted by the confederation from the cognizance of such claims, and because it derogates from the sovereignty of a state to be drawn into contest by an individual, or company of individuals, and therefore that it was not the intention of Congress to authorize the committee to confer with the said agents in such manner as to receive from

them claims adverse to the cessions of any of the states abovementioned; the said delegates did request the committee to forbear such conference until the sense of Congress on the subject should be known, and proposing that the question should be now taken:

Whether it was the intention of Congress to authorize the committee to receive claims, and hear evidence in behalf of the said companies, adverse to the claims or cessions of Virginia, New-York or Connecticut:

The previous question was moved by the state of Rhode-Island, and seconded by the state of Maryland; and on the question to agree to the previous question,

The yeas and nays being required by Mr. Randolph,

<i>Massachusetts</i> , Mr. Lovell,	ay	} ay	<i>Maryland</i> ,	Mr. Jenifer,	ay	} ay
	Osgood,			Hanson,	ay	
<i>Rhode-Island</i> , Mr. Mowry,	ay	} ay		Carroll,	ay	
	Varnum,		<i>Virginia</i> ,	Mr. Jones,	no	} no
<i>Connecticut</i> , Mr. Sherman,	ay	} *		Madison,	no	
<i>New-Jersey</i> , Mr. Clark,	ay			Randolph,	no	} *
	Boudinot,	} ay	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	
	Elmer,		<i>S.-Carolina</i> ,	Mr. Middleton,	no	} no
<i>Pennsylvania</i> , Mr. Atlee,	ay	} ay		Motte,	ay	
	Clymer,			Eveleigh,	no	} no
<i>Delaware</i> , Mr. M'Kean,	ay	} *	<i>Georgia</i> ,	Mr. Telfair,	no	
				N. W. Jones,	no	

So the previous question was lost.

### WEDNESDAY, October 17, 1781.

On report of a committee, consisting of Mr. Varnum, Mr. Randolph, Mr. Montgomery, to whom was referred a memorial of col. Donald Campbell:

*Ordered*, That the accounts of colonel Donald Campbell, be referred to the comptroller, to be finally settled according to justice, equity, and his best discretion, having regard to such proof as the nature of the case will admit, and as shall appear satisfactory, the resolution of the 21st of June last notwithstanding.

The main question moved yesterday by the delegates of Virginia, was taken into consideration, and a motion was made by Mr. Varnum, seconded by Mr. Patridge, to strike out the word "whether," and in lieu thereof to insert "Resolved, that," and after the word "was," to insert "not," so as to read, Resolved, that it was not the intention, &c. and on the question to agree to the amendment,

The yeas and nays being required by Mr. Randolph,

<i>Massachusetts</i> , Mr. Lovell,	ay	} ay	<i>Maryland</i> ,	Mr. Jenifer,	ay	} ay
	Patridge,			Hanson,	ay	
	Osgood,	no		Carroll,	ay	} no
<i>Rhode-Island</i> , Mr. Mowry,	no	} div.	<i>Virginia</i> ,	Mr. Jones,	no	
	Varnum,			Madison,	no	} no
<i>Connecticut</i> , Mr. Sherman,	ay	} *		Randolph,	no	
<i>New-Jersey</i> , Mr. Boudinot,	ay		<i>S.-Carolina</i> ,	Mr. Bee,	ay	} div.
	Elmer,	} ay		Middleton,	no	
<i>Pennsylvania</i> , Mr. Montgomery,	ay		<i>Georgia</i> ,	Mr. Telfair,	no	} no
	Atlee,	} ay		N. W. Jones,	no	
<i>Delaware</i> , Mr. M'Kean,	ay					

So the amendment was lost.

### THURSDAY, October 18, 1781.

On a report from the board of war, on the memorial of Mons. O'Neil, late captain in the army of the United States:

*Resolved*, That Mr. O'Neil, late a captain in Pulaski's legion, be informed that the request contained in his memorial of the 13th instant cannot be granted.

On report of a committee, consisting of Mr. Montgomery, Mr. Sherman, Mr. Patridge, to whom was referred a letter of the 16th, from the board of war, on the case of Mr. Dedevans :

*Resolved*, That the resolution of the 10th of August, 1776, empowering gen. Schuyler to enquire into the service and character of Canadian volunteers, and to grant them rewards and wages, be and hereby is repealed; and that all persons, of what character soever, who now draw pay or rations in consequence of the said resolution, be not entitled to draw pay or rations after the 1st day of December next.

*Ordered*, That Mr. Dedevans settle with the comptroller for money and rations due to him in consequence of the resolution aforesaid.

On motion of Mr. Montgomery, seconded by Mr. Motte :

*Resolved*, That Dr. Johnson, a hospital physician and surgeon, be, and he is hereby, authorized to do the duty of deputy purveyor for the military hospital in the southern department, until the further order of Congress.

The committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthew, Mr. Boudinot, Mr. Sherman, appointed to confer with the hon. the minister plenipotentiary of France, having reported the draught of a letter to his most Christian majesty ; the same was taken into consideration and agreed to.

#### FRIDAY, October 19, 1781.

The report of the committee on the post-office was taken into consideration; Whereupon,

*Resolved*, That the price to be paid for the postage of letters be reduced to what it was at the commencement of the present war :

That the post-master general be, and hereby is, authorized to allow the several post-masters such commission per cent, as he shall think their respective services merit, so as that the said commissions do not in the whole exceed 20 per cent :

That he cause the mail to be carried with all despatch once a week :

That from and after the 1st day of December next, all express riders, at constant pay, be dismissed from the public service :

That there be in the department of the post-office a post-master general, and an assistant or clerk :

That the salary of the post-master general be 1250 dollars per annum :

That the salary of the assistant or clerk be 800 dollars per annum :

That this establishment of the post-office take place on the 1st day of December next.

#### MONDAY, October 22, 1781.

Mr. Law, a delegate from Connecticut, attended and took his place.

A letter of the 11th, from colonel Pickering, quarter-master general, was read ; Whereupon,

*Resolved*, That letters to and from the quarter-master general be carried free of postage.

A letter, of this day, from J. Milligan, comptroller, was read ; Whereupon,

*Ordered*, That to-morrow be assigned for electing two auditors.

A letter, of the 20th, from the superintendent of finance, was read, with a copy of a circular letter which he proposes to send to the several states :

*Ordered*, That the said copy be referred to a committee of three, to confer with the superintendent, and that he take order thereon.

#### TUESDAY, October 23, 1781.

The secretary laid before Congress a letter from the president in the words following :

Sir : I must beg you to remind Congress, that when they did me the honour of electing me president, and before I assumed the chair, I informed them, that



as chief justice of Pennsylvania, I should be under the necessity of attending the supreme court of that state, the latter end of September, or at farthest in October. That court will be held to-day; I must therefore request that they will be pleased to proceed to the choice of another president.

I am, sir, with much respect, your most obedient humble servant,

THOMAS M'KEAN.

CHARLES THOMSON, secretary of Congress.

Whereupon, *Resolved*, That the resignation of Mr. M'Kean is accepted.

*Ordered*, That the election of a president be postponed until to-morrow.

Congress proceeded to the election of auditors; and, the ballots being taken, Mr. William Govett was elected, having been previously nominated by Mr. Sherman.

*Ordered*, That the election of the other auditor be postponed.

On motion of Mr. Randolph, seconded by Mr. Sherman,

*Resolved*, That the superintendent of finance be, and hereby is authorized to correspond with the several foreign ministers of the United States, as often as there shall be occasion, upon subjects relating to his department.

WEDNESDAY, October 24, 1781.

On motion of Mr. Witherspoon, seconded by Mr. Montgomery,

*Resolved, unanimously*, That Mr. M'Kean be requested to resume the chair, and act as president until the first Monday in November next; the resolution of yesterday notwithstanding.

A letter, of the 19th, from gen. Washington, was read, giving information of the reduction of the British army under the command of earl Cornwallis, on the 19th inst. with a copy of the articles of capitulation; Whereupon,

On motion of Mr. Randolph,

*Resolved*, That Congress will, at two o'clock this day, go in procession to the Dutch Lutheran church, and return thanks to Almighty God, for crowning the allied arms of the United States and France, with success, by the surrender of the whole British army under the command of the earl Cornwallis.

*Ordered*, That the letter, with the papers enclosed, be referred to the committee of intelligence.

*Resolved*, That the letter of general Washington, of the 19th, enclosing the correspondence between him and the earl Cornwallis, concerning the surrender of the garrisons of York and Gloucester, and the articles of capitulation, be referred to a committee of four: the members, Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll.

*Resolved*, That it be an instruction to the said committee, to report what in their opinion, will be the most proper mode of communicating the thanks of the United States in Congress assembled, to general Washington, count de Rochambeau and count de Grasse, for their effectual exertions in accomplishing this illustrious work; and of paying respect to the merit of lieutenant colonel Tilghman, aid-de-camp of general Washington, and the bearer of his despatches announcing this happy event:

*Ordered*, That the secretary of foreign affairs communicate this intelligence to the hon. the minister plenipotentiary of France.

THURSDAY, October 25, 1781.

A motion was made by Mr. Middleton, seconded by Mr. Motte,

That general Washington be directed to detain earl Cornwallis, and the officers captured in the garrisons of York and Gloucester, until the further order of Congress.

On the question to agree to this, the yeas and nays being required by Mr. Middleton,

Massachusetts, Mr. Lovell,	no	} no	Rhode-Island, Mr. Mowry,	no	} no
Patridge,	no		Connecticut, Mr. Sherman,	no	
Osgood,	no		Law,	no	

<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no	<i>Virginia,</i>	Mr. Jones,	no	} no
	Clark,	no			Madison,	no	
	Boudinot,	no			Randolph,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	no	} no	<i>N.-Carolina,</i>	Mr. Hawkins,	no	} .
	Atlee,	no		<i>S.-Carolina,</i>	Mr. Matthews,	ay	
	Smith,	no			Middleton,	ay	
<i>Maryland,</i>	Mr. Hanson,	no	} no		Motte,	ay	} ay
	Carroll,	no			Eveleigh,	ay	
				<i>Georgia,</i>	Mr. Telfair,	no	} dr.
					N. W. Jones,	ay	

So it passed in the negative.

FRIDAY, October 26, 1781.

The committee, consisting of Mr. Witherspoon, Mr. Montgomery, Mr. Varnum, Mr. Sherman, appointed to prepare a recommendation for setting apart a day of public thanksgiving and prayer, reported the draught of a proclamation, which was agreed to as follows :

#### PROCLAMATION.

Whereas, it hath pleased Almighty God, the father of mercies, remarkable to assist and support the United States of America in their important struggle for liberty, against the long continued efforts of a powerful nation : it is the duty of all ranks to observe and thankfully to acknowledge the interposition of his providence in their behalf. Through the whole of the contest, from its first rise to this time, the influence of Divine Providence may be clearly perceived in many signal instances, of which we mention but a few.

In revealing the councils of our enemies, when the discoveries were seasonable and important, and the means seemingly inadequate or fortuitous ; in preserving and even improving the union of the several states, on the breach of which our enemies place their greatest dependence ; in increasing the number, and adding to the zeal and attachment of the friends of liberty ; in granting remarkable deliverances, and blessing us with the most signal success, when affairs seemed to have the most discouraging appearance ; in raising up for us a powerful and generous ally, in one of the first of the European powers ; in confounding the councils of our enemies, and suffering them to pursue such measures as have most directly contributed to frustrate their own desires and expectations ; above all, in making their extreme cruelty to the inhabitants of these states, when in their power, and their savage devastation of property, the very means of cementing our union, and adding vigor to every effort in opposition to them.

And as we cannot help leading the good people of these states to a retrospect on the events which have taken place since the beginning of the war, so we recommend in a particular manner to their observation, the goodness of God in the year now drawing to a conclusion : in which the confederation of the United States has been completed : in which there have been so many instances of prowess and success in our armies ; particularly in the southern states, where, notwithstanding the difficulties with which they had to struggle, they have recovered the whole country which the enemy had overrun, leaving them only a post or two on or near the sea : in which we have been so powerfully and effectually assisted by our allies, while in all the conjunct operations the most perfect harmony has subsisted in the allied army : in which there has been so plentiful a harvest, and so great abundance of the fruits of the earth of every kind, as not only enables us easily to supply the wants of our army, but gives comfort and happiness to the whole people : and, in which, after the success of our allies by sea, a general of the first rank, with his whole army, has been captured by the allied forces under the direction of our commander in chief.

It is therefore recommended to the several states to set apart the 15th day

**A motion was made by the delegates of Virginia :**

**"It be declared, that the re-commitment of the said report, does not authorize the said committee to admit counsel, or to hear documents, proofs, or evidence, not among the records, nor on the files of Congress, which have not been specially referred to them."**

<i>Massachusetts,</i>	Mr. Patridge,	no	}	no	<i>Maryland,</i>	Mr. Hanson,	no	}	no	
	Osgood,	no					Carroll,			no
<i>Rhode-Island,</i>	Mr. Mowry,	no	}	*	<i>Virginia,</i>	Mr. Madison,	ay	}	ay	
<i>Connecticut,</i>	Mr. Sherman,	no					Randolph,			ay
	Law,	no	}	no	<i>N.-Carolina,</i>	Mr. Hawkins,	ay	}	* ,	
<i>New-Jersey,</i>	Mr. Witherspoon,	no					<i>S.-Carolina,</i>			Mr. Middleton,
	Clark,	no	}	no		Motte,	ay	}	ay	
	Boudinot,	no					Eveleigh,			ay
	Elmer,	no					<i>Georgia,</i>			Mr. Telfair,
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no		N. W. Jones,	ay	}	ay	
	Clymer,	no								

**MONDAY, *October* 29, 1781.**

**VOL. III.**

*Ordered*, That the committee of commerce deliver the books and papers of their department to the comptroller of accounts; and that thereupon, they be discharged.

On a report of the committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll, to whom were referred the letters of the 16th and 19th, from general Washington:

*Resolved*, That the thanks of the United States in Congress assembled, be presented to his excellency gen. Washington, for the eminent services which he has rendered to the United States, and particularly for the well concerted plan against the British garrisons in York and Gloucester; for the vigor, attention and military skill with which that plan was executed; and for the wisdom and prudence manifested in the capitulation:

That the thanks of the United States in Congress assembled, be presented to his excellency the count de Rochambeau, for the cordiality, zeal, judgment and fortitude, with which he seconded and advanced the progress of the allied army against the British garrison in York:

That the thanks of the United States in Congress assembled, be presented to his excellency count de Grasse, for his display of skill and bravery in attacking and defeating the British fleet off the Bay of Chesapeake, and for his zeal and alacrity in rendering, with the fleet under his command, the most effectual and distinguished aid and support to the operations of the allied army in Virginia:

That the thanks of the United States in Congress assembled, be presented to the commanding and other officers of the corps of artillery and engineers of the allied army, who sustained extraordinary fatigue and danger in their animated and gallant approaches to the lines of the enemy.

That general Washington be directed to communicate to the other officers and the soldiers under his command, the thanks of the United States in Congress assembled, for their conduct and valor on this occasion:

*Resolved*, That the United States in Congress assembled, will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his most Christian majesty; and inscribed with a succinct narrative of the surrender of earl Cornwallis to his excellency general Washington, commander in chief of the combined forces of America and France; to his excellency the count de Rochambeau, commanding the auxiliary troops of his most Christian majesty in America, and his excellency the count de Grasse, commanding in chief the naval army of France in Chesapeake.

*Resolved*, That two stands of colours taken from the British army under the capitulation of York, be presented to his excellency general Washington, in the name of the United States in Congress assembled.

*Resolved*, That two pieces of the field ordnance, taken from the British army under the capitulation of York, be presented by the commander in chief of the American army, to count de Rochambeau; and that there be engraved thereon a short memorandum, that Congress were induced to present them from considerations of the illustrious part which he bore in effectuating the surrender.

*Resolved*, That the secretary of foreign affairs be directed to request the minister plenipotentiary of his most Christian majesty, to inform his majesty, that it is the wish of Congress, that count de Grasse may be permitted to accept a testimony of their approbation, similar to that to be presented to count de Rochambeau.

*Resolved*, That the board of war be directed to present to lieutenant colonel Tilghman, in the name of the United States in Congress assembled, a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.

On a report of the committee, consisting of Mr. Varnum, Mr. Middleton, Mr. Atlee, to whom were referred the letters from major-general Greene:

*Resolved*, That the thanks of the United States in Congress assembled, be presented to major-general Greene, for his wise, decisive and magnanimous conduct in the action of the 8th of September last, near the Eutaw Springs, in South-Carolina; in which, with a force inferior in number to that of the enemy, he obtained a most signal victory:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the Maryland and Virginia brigades, and Delaware battalion of continental troops, for the unparalleled bravery and heroism by them displayed, in advancing to the enemy through an incessant fire, and charging them with an impetuosity and ardour that could not be resisted:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the legionary corps and artillery, for their intrepid and gallant exertions during the action:

That the thanks of the United States in Congress assembled, be presented to the brigade of North-Carolina, for their resolution and perseverance in attacking the enemy, and sustaining a superior fire:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the state corps of South-Carolina, for the zeal, activity and firmness by them exhibited throughout the engagement:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the militia, who formed the front line in the order of battle, and sustained their post with honor, propriety and resolution worthy of men determined to be free.

*Resolved*, That a British standard be presented to major-general Greene, as an honorable testimony of his merit, and a golden medal emblematical of the battle and victory aforesaid:

That major-general Greene be desired to present the thanks of Congress, to captains Pierce and Pendleton, major Hyrne and captain Shubrick, his aid-de-camps, in testimony of their particular activity and good conduct during the whole of the action:

That a sword be presented to captain Pierce, who bore the general's despatches, giving an account of the victory, and that the board of war take order herein.

*Resolved*, That the thanks of the United States in Congress assembled, be presented to brigadier-general Marion, of the South-Carolina militia, for his wise, gallant and decided conduct, in defending the liberties of his country; and particularly for his prudent and intrepid attack on a body of the British troops, on the 30th day of August last; and for the distinguished part he took in the battle of the 8th of September.

#### TUESDAY, October 30, 1781.

Congress proceeded to the election of a secretary at war; and, the ballots being taken, major-general Benjamin Lincoln was elected.

*Resolved*, That the commissioners of the board of war be authorized and requested, to continue to exercise the duties of the war department, until the secretary at war enter upon the execution of his office.

On a report of a committee, consisting of Mr. Varnum, Mr. Boudinot, Mr. Hanson, to whom were referred the estimates of the board of war:

*Resolved*, (by nine states,) That the respective states be called upon to furnish the treasury of the United States, with their quotas of the 8,000,000 of dollars, for the war department, and civil list, the ensuing year; to be paid quarterly in equal proportions, the first payment to be made on the first day of April next.

*Resolved*, That a committee, consisting of a member from each state, be appointed to apportion to the several states the quotas of the above sum.



THURSDAY, November 1, 1781.

On a report of a committee, consisting of Mr. Hanson, Mr. Varnum, Mr. Clymer, to whom was referred a letter of the 1st September from major-general Greene, with the copy of his letter to colonel Campbell, and his commission to sundry persons to negotiate a treaty of peace with the Cherokee and Chickasaw Indians:

*Resolved*, That the appointment of commissioners by major-general Greene to negotiate a treaty of peace with the Cherokee and Chickasaw Indians, and by that means to put a stop to the ravages of those nations, was a necessary and prudent measure, and that Congress approve of the same.

FRIDAY, November 2, 1781.

A motion was made by the delegates of Virginia, "that the resolution of yesterday, respecting the appointment of commissioners, to treat with the Cherokee and Chickasaw Indians, be repealed."

*Ordered*, That Thursday next be assigned for the consideration of the preceding motion; and that no copies of the resolution passed yesterday be delivered out before Monday the 12th instant.

The committee, consisting of Mr. Livermore, Mr. Osgood, Mr. Varnum, Mr. Sherman, Mr. Boudinot, Mr. Smith, Mr. M'Kean, Mr. Hanson, Mr. Randolph, Mr. Hawkins, Mr. Bee, and Mr. Telfair, appointed to apportion to the several states their respective quotas of the 8,000,000 of dollars voted by the resolution of the 30th of October last, delivered in a report, which was taken into consideration: when the quota of Connecticut was under consideration, a motion was made by Mr. Carroll, seconded by Mr. Jenifer,

"That 93,400 dollars be added:"

On which the yeas and nays being required by Mr. Carroll,

<i>N.-Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Delaware,</i>	Mr. M'Kean,	no	}	*
<i>Massachusetts,</i>	Mr. Lovell,	no			<i>Maryland,</i>	Mr. Jenifer,	ay		
	Patridge,	no	}	no		Hanson,	ay	}	a
	Osgood,	no				Carroll,	ay		
<i>Rhode-Island,</i>	Mr. Mowry,	no	}	div.	<i>Virginia,</i>	Mr. J. Jones,	no	}	no
	Varnum,	ay				Madison,	no		
<i>Connecticut,</i>	Mr. Sherman,	no	}	no	<i>S.-Carolina,</i>	Mr. Matthews,	ay	}	ay
	Law,	no				Middleton,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	div.		Motte,	no	}	no
	Boudinot,	no				Mr. Telfair,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay	<i>Georgia,</i>	N. W. Jones,	no	}	ay
	Atlee,	ay							
	Smith,	no							

So it passed in the negative.

The report being further considered,

*Resolved*, That the sum of 8,000,000 of dollars, required to be raised by the resolution of the 30th day of October last, be paid by the states in the following proportions:

New-Hampshire,	-	-	373,598	Maryland,	-	-	933,996
Massachusetts,	-	-	1,307,596	Virginia,	-	-	1,307,596
Rhode-Island,	-	-	216,684	North-Carolina,	-	-	622,677
Connecticut,	-	-	747,196	South-Carolina,	-	-	373,598
New-York,	-	-	373,598	Georgia,	-	-	24,905
New-Jersey,	-	-	485,679				
Pennsylvania,	-	-	1,120,794				
Delaware,	-	-	112,085				
						Dollars.	8,000,000

That the said sums, when paid, shall be credited to the accounts of the several states on interest, to be hereafter adjusted, agreeably to the resolution of the 6th of October, 1779:

That certificates which may be given by the quarter-master general, or other officers properly authorized to give them, for supplies that shall hereafter be furnished, shall be accepted in payment of the aforesaid sums.

That such certificates for supplies heretofore furnished, shall be accepted from the states producing them in payment of what may be due on former requisitions.

*Resolved*, That it be recommended to the several states to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to the commissioner of the loan-office, or such other person as shall be appointed by the superintendent of finance, to receive the same within the state, and to authorize such receiver to recover the moneys of the collectors, for the use of the United States, in the same manner, and under the same penalties, as state taxes are recovered by the treasurers of the respective states, to be subject only to the orders of Congress, or the superintendent of finance.

**SATURDAY, November 3, 1781.**

A petition from the supreme executive council of the commonwealth of Pennsylvania was read, stating a matter of dispute between the said state and the state of Connecticut, respecting sundry lands lying on the east branch of the river Susquehanna, and praying a hearing in the premises, agreeably to the 9th article of the confederation.

*Resolved*, That the resolutions passed yesterday be delivered to the superintendent of finance, to be by him forwarded to the several states.

*Resolved*, That the several matters now before Congress be referred over, and recommended to the attention of the United States in Congress assembled, to meet at this place on Monday next.

Advice being received that a messenger was arrived from head-quarters with despatches, the president resumed the chair, and col. Humphrey, one of the general's aids, was introduced, and delivered a letter from the general, dated the 27th and 29th of October, containing returns of prisoners, artillery, arms, ordnance and other stores, surrendered by the enemy, in their posts of York and Gloucester, on the 19th October; he also laid before Congress 24 standards taken at the same time, and a draught of those posts, with the plan of attack and defence, and then withdrew.

*Ordered*, That the returns be published, and that the letter, with the other papers enclosed, be referred to the committee to whom was referred the general's letter of the 19th of October.

**MONDAY, November 5, 1781.**

The following members attended from the states of

New-Hampshire,	Mr. Livermore,	Maryland,	Mr. Hanson,
Massachusetts,	Mr. Lovell,		Jenifer,
	Patridge,		Carroll,
	Osgood,	Virginia,	Mr. Madison,
Rhode-Island,	Mr. Mowry,		Randolph,
	Varnum,		Jones,
Connecticut,	Mr. Law,	North-Carolina,	Mr. Hawkins,
New-Jersey,	Mr. Clark,	South-Carolina,	Mr. Middletown,
	Boudinot,		Matthews,
Pennsylvania,	Mr. Montgomery,		Bee,
	Atlee,		Eveleigh,
	T. Smith,	Georgia,	Motte,
			Mr. Telfair,
			N. W. Jones.

Their credentials being read, Congress proceeded to the election of a president; and the ballots being taken, the hon. John Hanson was elected.

**WEDNESDAY, November 7, 1781.**

On report of a committee, consisting of Mr. Carroll, Mr. Jones, Mr. Mat-

thews, to whom were referred a memorial of Daniel Clark, in behalf of Oliver Pollock, and a letter of the 17th September, from James Seagrove, respecting advances made by Don Galvez to Oliver Pollock, for the service of the United States,

*Ordered*, That there be passed in the books of the treasury, to the credit of Oliver Pollock, continental agent at New-Orleans, in addition to the credit of the 6th of February last, the sum of 21,419 78-90ths dollars in specie, to bear an interest of six per cent. per annum, from the 6th of February last, until paid: and that the superintendent of finance be, and hereby is directed not to pay any part of the sums aforesaid to Oliver Pollock or his agents, until advice is received from Don Galvez of the sums by him advanced to the said Oliver Pollock, for the service of the United States, and what measures have been taken by the said Oliver Pollock for reimbursing the said sums.

*Ordered*, That a copy of the foregoing order, and of that of the 6th of February, together with the letter of the 22d July, 1780, from his excellency Don Galvez, and the letter of the 17th of September, from J. Seagrove, be transmitted to the superintendent of finance, and that he report the draft of a letter to Don Galvez:

On motion of Mr. Randolph, seconded by Mr. Boudinot,

*Resolved*, That the secretary for foreign affairs be directed to prepare a sketch of emblems of the alliance between his most Christian majesty and the United States, proper to be inscribed on the marble column to be erected in the town of York, under the resolution of the 29th of October last.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll, to whom was referred the letter of 27th October, from general Washington:

*Resolved*, That an elegant sword be presented, in the name of the United States in Congress assembled, to colonel Humphrey, aid-de-camp of general Washington, to whose care the standards taken under the capitulation of York were consigned, as a testimony of their opinion of his fidelity and ability; and that the board of war take order therein.

*Ordered*, That the farther consideration of the report be postponed.

*Resolved*, That the thanks of Congress be given to the honorable Thomas M'Kean, late president of Congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business.

#### THURSDAY, November 8, 1781.

An ordinance respecting captures by water, was taken into consideration, and some progress being made, the farther consideration thereof was postponed.

On a report from the board of war:

*Resolved*, That the board of war take order for the trial, and in case of condemnation, for the execution of any persons falling under the description and character of spies, apprehended in the place where Congress shall sit, in the same manner and with the same powers for this purpose, with those vested in the commander in chief by the rules and articles of war.

#### FRIDAY, November 9, 1781.

A letter of the 8th, from major-general R. Howe, being read:

On motion of Mr. Varnum, seconded by Mr. Telfair,

*Ordered*, That the board of war, without delay, cause such depositions to be taken, to be laid before the court of enquiry, upon the conduct of major-general R. Howe, as the delegates of Georgia and major-general Howe shall request, and that the depositions be transmitted to major-general Heath.

On motion of Mr. Boudinot, seconded by Mr. Varnum,

*Resolved*, That the board of war take order to prevent the officers prisoners of war under the capitulation of York, who have permission to go by land

to New-York, from travelling at large through the country, and from remaining longer out of the enemy's lines, than may be necessary for their journey.

MONDAY, *November 11, 1781.*

On a report from the board of war, to whom was referred a memorial of Mr. Jacob Schreiber :

*Ordered*, That the comptroller cause the accounts of Mr. Jacob Schreiber, to be adjusted upon the same principles with those directed for the officers of Hazen's regiment, allowing him the pay of a captain of engineers from the 2d day of March, 1780 :

That Mr. Schreiber have leave to depart for Europe, as Congress, though conscious of his merit, have no means of employing him in the rank he requires :

That it be referred to the superintendent of finance to pay Mr. Schreiber such sum as will enable him to return to Europe, and that loan-office certificates be delivered him for the residue of the balance which shall, on settlement, appear to be due to him from the United States.

On a report of a committee, consisting of Mr. Osgood, Mr. Clark and Mr. Randolph, to whom were referred a letter of 28th August, and one of the 7th inst. from the superintendent of finance :

*Resolved*, That so much of the resolution of the 2d inst. as declares, "that certificates which may be given by the quarter-master general or other officers, properly authorized to give them for supplies, that shall be hereafter furnished, shall be accepted in payment of the quotas of money thereby assigned to the several states," be, and hereby is repealed.

On motion of Mr. Hawkins, seconded by Mr. Bee,

*Resolved*, That letters to and from the secretary for foreign affairs be carried free of postage.

TUESDAY, *November 13, 1781.*

The ordinance respecting captures, was taken into consideration and debated.

WEDNESDAY, *November 14, 1781.*

On motion of Mr. Carroll, seconded by Mr. J. Jones,

*Ordered*, That the president write to the executives of the states, requesting the attendance of delegates from such states as are not represented, and urging the necessity of sending forward and keeping up a representation in Congress for conducting the affairs of the United States.

A motion was made by the delegates of Virginia,

"That the 1st Tuesday of December next, be assigned for the consideration of the report of the committee, to whom were referred the cessions of New-York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois, and Wabash companies."

A motion was made by Mr. Smith, seconded by Mr. Varnum, to amend, by adding, "Provided that eleven states shall be then represented."

On the question to agree to the amendment, the yeas and nays being required by Mr Varnum,

<i>Massachusetts</i> , Mr. Lovell,	ay	}	ay	<i>Virginia</i> ,	Mr. Jones,	no	}	ay
Patridge,	ay			Madison,	no			
Osgood,	no			Randolph,	no			
<i>Rhode-Island</i> , Mr. Mowry,	no	}	div.	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	}	•
Varnum,	ay			<i>S.-Carolina</i> ,	Mr. Middleton,	no		
<i>Connecticut</i> , Mr. Law,	no	}	•		Bee,	no	}	no
<i>Pennsylvania</i> , Mr. Montgomery,	ay				Eveleigh,	no		
Atlee,	ay	}	ay	<i>Georgia</i> ,	Mr. Telfair,	no	}	no
T. Smith,	ay				N. W. Jones,	no		
<i>Maryland</i> , Mr. Hanson,	no	}	div.					
Carroll,	ay							

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Joseph Jones,

<i>Massachusetts</i> , Mr. Lovell,	no	} no	<i>Maryland</i> ,	Mr. Hanson,	ay	} ay
	Patridge,			Carroll,	ay	
	Osgood,		<i>Virginia</i> ,	Mr. J. Jones,	ay	} ay
<i>Rhode-Island</i> , Mr. Mowry,	no	} div.		Madison,	ay	
	Varnum,			Randolph,	ay	
<i>Connecticut</i> , Mr. Law,	no	} *	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	} *
<i>Pennsylvania</i> , Mr. Montgomery,	ay		<i>S.-Carolina</i> ,	Mr. Middleton,	ay	
	Atlee,			Eveleigh,	ay	} ay
	T. Smith,	ay	<i>Georgia</i> ,	Mr. Telfair,	ay	
				N. W. Jones,	ay	ay

So the question was lost.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Carroll, appointed to prepare the form of notice to be given to the legislative or executive authority of the state of Connecticut, on the petition from the supreme executive council of Pennsylvania, respecting a dispute between the two states: Congress agreed to the following resolutions:

Whereas the president and supreme executive council of the state of Pennsylvania, have presented a petition to the United States in Congress assembled, stating, "that a controversy has long subsisted between the said state of Pennsylvania and the state of Connecticut, respecting sundry lands lying within the northern boundary of the state of Pennsylvania, and praying for a hearing, in pursuance of the 9th article of the confederation:

*Resolved*, That the 4th Monday in June next, be assigned for the appearance of the said states of Pennsylvania and Connecticut, by their lawful agents, at the place in which Congress shall then be sitting.

*Resolved*, That the form of the notice be as follows, to be transmitted by the secretary agreeably to the articles of confederation:

By the United States in Congress assembled, in the city of Philadelphia, on the 14th day of November, in the year of our Lord 1781, and in the 6th year of independence:

To the legislative authority of the state of Connecticut:

It is hereby made known, that pursuant to the 9th article of the confederation, the supreme executive council of the state of Pennsylvania, have presented a petition to Congress, stating that a controversy has long subsisted between the said state of Pennsylvania, and the state of Connecticut, respecting sundry lands lying within the northern boundary of the said state of Pennsylvania, and praying for a hearing in pursuance of the 9th article of the confederation; and that the 4th Monday in June next, is assigned for the appearance of the said states of Pennsylvania and Connecticut, by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by the said confederation is directed.

By order of Congress, CHARLES THOMSON, *Secretary*.

THURSDAY, November 15, 1781.

On a report of a committee, consisting of Mr. Carroll, Mr. J. Jones, Mr. N. W. Jones, to whom was referred a letter from the officers returned from Charleston:

*Ordered*, That the said letter be referred to the superintendent of finance, to take order for the discharge of three months' subsistence, in addition to the pay ordered by the resolve of Congress of the 29th of September last:

That the comptroller settle the accounts of the officers from Charleston, for the expenses incurred by them on their removal to Philadelphia.

FRIDAY, November 16, 1781.

Mr. Wolcott, a delegate for Connecticut, attended, and took his seat.



On a report of the board of war, to whom was referred a motion of Mr. Varnum,

*Resolved*, That in future no warrant issue in favour of officers or soldiers in actual service, for pay or subsistence, but by the commander in chief, or the commanding officer of a separate army.

A motion was made by Mr. Middleton, seconded by Mr. Bee,

“That general Washington be directed to extend his attention to the farther relief of the southern states, and that he either lead thither such part of the main army, as he may think expedient, or if he should judge his presence there unnecessary, that he detach such additional reinforcements to general Greene, with cannon, artillery, and stores requisite, as may enable him to act offensively, and with such vigour as to afford a prospect of conquest in that quarter, or at least of expelling the enemy from thence during the ensuing winter, whilst northern operations are impracticable.”

On the question to agree to this, the yeas and nays being required by Mr. Middleton,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Maryland</i> , Mr. Hanson,	no	}	no
<i>Massachusetts</i> , Mr. Lovell,	no			Carroll,	no		
	Patridge,	no	}	<i>Virginia</i> , Mr. Madison,	no	}	no
	Osgood,	no			Randolph,	no	
<i>Rhode-Island</i> , Mr. Mowry,	no	}	no	<i>S.-Carolina</i> , Mr. Middleton,	ay	}	ay
	Varnum,	no			Bee,	ay	
<i>Connecticut</i> , Mr. Law,	no	}	no		Motte,	ay	ay
	Wolcott,	no			Eveleigh,	ay	
<i>New-Jersey</i> , Mr. Clark,	no	}	*	<i>Georgia</i> , Mr. Telfair,	ay	}	ay
<i>Pennsylvania</i> , Mr. Montgomery,	no				N. W. Jones,	ay	
	Atlee,	no	}			}	
	Smith,	no					

So it passed in the negative.

A motion was made by Mr. Varnum, seconded by Mr. Patridge,

“That it be resolved, that the resolution of the 25th of May last, establishing a general rule of promotion, precludes the United States in Congress assembled, from promoting any officer, on account of extraordinary merit or eminent services, contrary to the rule of succession therein mentioned.”

And on the question to agree to this, the yeas and nays being required by Mr. Varnum,

<i>N.-Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Maryland,</i>	Mr. Hanson,	no	}	no
<i>Massachusetts,</i>	Mr. Patridge,	no			Carroll,	no			
	Osgood,	no	}	no	<i>Virginia,</i>	Mr. J. Jones,	no	}	no
<i>Rhode-Island,</i>	Mr. Mowry	ay			Madison,	no			
	Varnum,	no	}	div.		Randolph,	no	}	no
<i>Connecticut,</i>	Mr. Law,	no			}	no	<i>S.-Carolina,</i>		
	Wolcott,	no	}	*				Bee,	ay
<i>New-Jersey,</i>	Mr. Clark,	ay			}	no	<i>Georgia,</i>	Mr. Telfair,	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no				N. W. Jones,	ay
	Atlee,	no			}	no			
	Smith,	no	}	no					

So it passed in the negative.

The report of a committee, consisting of Mr. Varnum, Mr. Montgomery and Mr. Lovell, to whom was referred a letter of the 31st of October last, from general Washington, with letters from brigadier-general du Portail, was taken into consideration, and on the first proposition, “that in consideration of the eminent services of brigadier-general Knox, commanding officer of the artillery of the United States, and particularly of his meritorious conduct in the siege of York, in the state of Virginia; he be promoted to the rank of major-general:”

The previous question was moved by the states of South-Carolina and Georgia; and the yeas and nays being required thereon,

<i>N-Hampshire</i> , Mr. Livermore,	no	}	<i>Maryland</i> , Mr. Hanson,	no	}
<i>Massachusetts</i> , Mr. Lovell,	no		Carroll,	no	
	Patridge,	}	<i>Virginia</i> , Mr. Jones,	no	}
	Osgood,		Madison,	no	
<i>Rhode-Island</i> , Mr. Mowry,	no	}	Randolph,	no	}
	Varnum,		<i>S.-Carolina</i> , Mr. Middleton,	ay	
<i>Connecticut</i> , Mr. Law,	no	}	Bee,	ay	}
	Wolcott,		Motte,	ay	
<i>Pennsylvania</i> , Mr. Montgomery,	no	}	<i>Georgia</i> , Mr. Telfair,	ay	}
	Atlee,		N. W. Jones,	ay	
	Smith,				

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Lovell,

<i>N-Hampshire</i> , Mr. Livermore,	ay	}	<i>Maryland</i> , Mr. Hanson,	ay	}
<i>Massachusetts</i> , Mr. Lovell,	ay		Carroll,	ay	
	Patridge,	}	<i>Virginia</i> , Mr. J. Jones,	ay	}
	Osgood,		Madison,	ay	
<i>Rhode-Island</i> , Mr. Mowry,	no	}	Randolph,	ay	}
	Varnum,		<i>S.-Carolina</i> , Mr. Middleton,	no	
<i>Connecticut</i> , Mr. Law,	ay	}	Bee,	no	}
	Wolcott,		Motte,	no	
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	<i>Georgia</i> , Mr. Telfair,	no	}
	Atlee,		N. W. Jones,	no	
	Smith,				

So the question was lost.

On a farther consideration of the report :

**Resolved**, That brigadier-general du Portail, commanding officer of the corps of engineers, in consideration of his meritorious services, and particularly of his distinguished conduct in the siege of York, in the state of Virginia, be, and he is hereby promoted to the rank of major-general.

**Resolved**, That lieutenant-colonel Gouvion, of the corps of engineers, receive the brevet of colonel.

**Resolved**, That captain Rochefontaine, of the corps of engineers, receive the brevet of major.

**Resolved**, That major-general du Portail and colonel Gouvion have leave of absence from the United States for the space of six months.

On motion of Mr. Varnum, seconded by Mr. Bee,

**Resolved**, That the board of war arrange the officers of the South-Carolina and Georgia lines, agreeably to the establishment of the army, adopted on the 3d day of October, 1780, and in such manner as the lines of other states have been arranged.

**MONDAY, November 19, 1781.**

Mr. Ellery and Mr. Cornell, two delegates for Rhode-Island, &c. attended and took their seats.

On motion of Mr. Randolph, seconded by Mr. Smith,

**Resolved**, That Richard Peters, esq. be authorized and requested to continue to exercise the duties of the war department, until the secretary of war shall enter upon the execution of his office.

**TUESDAY, November 20, 1781.**

On a report of the board of war, on an application of lieutenant Jenkins

**Resolved**, That the two independent companies raised by captains Durkee and Ransom, be considered as part of the quota of troops of the state of Connecticut, in whose regiments they are incorporated ; provided the said state settle with them for the depreciation on their pay ; and that it be recommended to the said state of Connecticut, to settle the depreciation of their pay upon the same principles adopted by them for the officers and soldiers of their line.

On a report of a committee, consisting of Mr. Cornell, Mr. Randolph, and Mr. Carroll, to whom was referred a letter of the 17th of November last, from the superintendent of finance :

*Resolved*, That the powers vested by the resolutions of the 8th of February, 1780, in the board of admiralty and navy-board respectively, in case of the loss of any ship or vessel of war in the service of the United States, be vested in the secretary of marine ; or until he be appointed and enter upon the execution of his office, in the agent of marine ; except that neither the secretary nor agent of marine shall be authorized to sit in any court of inquiry.

*Resolved*, That it shall be the duty of the secretary or agent of marine, to transmit to the United States in Congress assembled, the proceedings of courts-martial previous to the execution of any capital sentence which may be awarded.

*Resolved*, That the powers and duties hereby assigned to the secretary or agent of marine, be assigned to the superintendent of finance, to be exercised by him until such secretary or agent of marine shall be appointed.

WEDNESDAY, November 21, 1781.

On a report of a committee, consisting of Mr. Montgomery, Mr. Osgood, and Mr. Randolph, to report on the arrangement of the president's household,

*Resolved*, That the attendants of the president's house, consist of one steward, and such others as may be found necessary ; and that they be appointed and removed at pleasure, by the president of Congress :

That all sums of money necessary for the expenses of the house, be drawn by the president, and paid to the steward :

That the steward keep a regular account of all receipts and disbursements, and of furniture, and utensils broken, lost or purchased, and deliver to the secretary of the president on the 1st day of every month, a fair copy hereof.

On a report of the board of war, to whom was referred a letter of the 19th, from major-general du Portail, requesting the brevet of captain for Mr. de Lastaing, his aid :

*Resolved*, That the request respecting the promotion of lieutenant de Lastaing, cannot be complied with.

A motion was made by Mr. Randolph, seconded by Mr. Carroll, "that it be recommended to the legislatures of the several states to cause to be taken and transmitted to Congress as soon as possible, the number of the white inhabitants thereof, pursuant to the 9th article of the confederation."

On the question to agree to this, the yeas and nays being required by Mr. Randolph,

<i>Hampshire</i> , Mr. Livermore,	ay	} *	<i>Virginia</i> ,	Mr. Jones,	ay	} ay
<i>Massachusetts</i> , Mr. Lovell,	ay			Madison,	ay	
	Patridge,	ay		Randolph,	ay	
	Osgood,	ay		Mr. Hawkins,	ay	} *
<i>Rhode-Island</i> , Mr. Cornell,	ay	} div.	<i>N-Carolina</i> ,	Mr. Middleton,	ay	
	Ellery,		<i>S. Carolina</i> ,	Bee,	ay	} ay
<i>Connecticut</i> , Mr. Law,	ay	} div.		Motte,	ay	
	Wolcott,			Eveleigh,	ay	
<i>New-Jersey</i> , Mr. Clark,	ay	} *	<i>Georgia</i> ,	Mr. Telfair,	ay	} ay
<i>Pennsylvania</i> , Mr. Montgomery,	ay			N. W. Jones,	ay	
	Smith,	ay				
<i>Maryland</i> , Mr. Hanson,	ay	} ay				
	Carroll,					

So the question was lost.

THURSDAY, November 22, 1781.

The delegates for the state of Pennsylvania, being re-appointed by the general assembly, Mr. J. Montgomery, Mr. T. Smith and Mr. Atlee, three of the said delegates, attended, and produced their credentials.

Congress proceeded to the farther consideration of the report of the committee, on the letter of the 27th of October, from general Washington ; and thereupon,

*Resolved*, That Congress approve of the early and unremitted attention of general Washington, to the liberation of the southern states from the power of the enemy, and of his communication of the success of the allied arms, to the foreign ministers of the United States.

On motion of Mr. Montgomery, seconded by Mr. Smith,

*Resolved*, That the establishment of the post-office as agreed to, on the 19th of October last, take place on the first day of January next, and that the resolution directing its commencement on the 1st day of December next, be, and hereby is repealed.

On a report of a committee, consisting of Mr. Jenifer, Mr. Sharpe and Mr. Clymer, to whom was referred a memorial of major Nicola,

*Resolved*, That major Nicola's accounts be settled up to the 25th day of August, 1781, at which time he be considered as retiring from service.

FRIDAY, *November 25*, 1781.

Mr. Floyd, a delegate for the state of New-York, attended, and produced the credentials of his appointment.

On reading a memorial and representation of the legislature of the state of New-Jersey:

*Ordered*, That the said memorial be referred to the superintendent of finance ; and that he report, as soon as may be, as well on the said memorial as on a reference to him made on the same subject, of a plan for liquidating certificates given by quarter-masters, commissaries and others.

On a report of the board of war :

*Resolved*, That the superintendent of finance, and board of war be, and hereby are authorized and directed to take immediate order for the safe keeping and support of the prisoners of war in the possession of the United States, so as to ensure their safety as much as may be, and to render their support less burthensome to the finances of these states.

On a report of a committee, consisting of Mr. Carroll, Mr. Madison and Mr. Cornell, to whom was referred a letter of the 22d, from major-general the marquis de la Fayette :

*Resolved*, That major-general the marquis de la Fayette have permission to go to France ; and that he return at such time as shall be most convenient to him :

That he be informed, that on a review of his conduct throughout the past campaign, and particularly during the period in which he had the chief command in Virginia, the many new proofs which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry and address in its defence, have greatly added to the high opinion entertained by Congress of his merits and military talents :

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superior in numbers, have been beheld by Congress with particular satisfaction and approbation :

That the secretary of foreign affairs acquaint the ministers plenipotentiary of the United States, that it is the desire of Congress that they confer with the marquis de la Fayette, and avail themselves of his information relative to the situation of public affairs in the United States :

That the secretary for foreign affairs, further acquaint the minister plenipotentiary at the court of Versailles, that he will conform to the intention of Congress by consulting with and employing the assistance of the marquis

le la Fayette, in accelerating the supplies which may be afforded by his most Christian majesty for the use of the United States :

That the superintendent of finance, the secretary for foreign affairs, and the board of war, make such communications to the marquis de la Fayette, touching the affairs of their respective departments, as will best enable him to fulfil the purpose of the two resolutions immediately preceding :

That the superintendent of finance take order for discharging the engagement entered into by the marquis de la Fayette, with the merchants of Baltimore, referred to in the act of the 24th of May last.

*Ordered*, That the superintendent of finance furnish the marquis de la Fayette with a proper conveyance to France :

That the secretary for foreign affairs report a letter to his most Christian majesty, to be sent by the marquis de la Fayette.

On a report of a committee, consisting of Mr. Randolph, Mr. Duane, Mr. Witherspoon, appointed to prepare a recommendation to the states to enact laws for punishing infractions of the laws of nations :

*Resolved*, That it be recommended to the legislatures of the several states to provide expeditious, exemplary and adequate punishment :

First. For the violation of safe conducts or passports, expressly granted under the authority of Congress to the subjects of a foreign power in time of war :

Secondly. For the commission of acts of hostility against such as are in amity, league or truce with the United States, or who are within the same, under a general implied safe conduct :

Thirdly. For the infractions of the immunities of ambassadors and other public ministers, authorized and received as such by the United States in Congress assembled, by animadverting on violence offered to their persons, houses, carriages and property, under the limitations allowed by the usages of nations ; and on disturbance given to the free exercise of their religion ; by annulling all writs and processes, at any time sued forth against an ambassador, or other public minister, or against their goods and chattels, or against their domestic servants, whereby his person may be arrested : And,

Fourthly. For infractions of treaties and conventions to which the United States are a party.

The preceding being only those offences against the law of nations which are most obvious, and public faith and safety requiring that punishment should be co-extensive with such crimes :

*Resolved*, That it be farther recommended to the several states to erect a tribunal in each state, or to vest one already existing with power to decide on offences against the law of nations, not contained in the foregoing enumeration, under convenient restrictions.

*Resolved*, That it be farther recommended to authorize suits to be instituted for damages by the party injured, and for compensation to the United States for damage sustained by them from an injury done to a foreign power by a citizen.

**MONDAY, November 26, 1781.**

A letter, of this day, from major-gen. B. Lincoln was read, accepting the office of secretary at war.

**TUESDAY, November 27, 1781.**

On reading a letter from the secretary of foreign affairs :

*Resolved*, That the superintendent of finance be, and hereby is authorized and directed to take under his care and management all loans or other moneys obtained in Europe or elsewhere for the use of the United States, subject to the appropriation of Congress.



Congress being informed of the arrival of gen. Washington in this city:  
*Ordered*, That he have an audience in Congress to-morrow at one o'clock.

**WEDNESDAY, November 28, 1781.**

Mr. Wynkoop, a delegate for Pennsylvania, and Mr. Houston, a delegate for New-Jersey, attended.

On a report of the board of war, to whom was referred a memorial of capt. de Frey :

*Resolved*, That the resignation of captain de Frey be accepted, Congress having no means of employing him in the army of the United States, consistent with the arrangement thereof, though a meritorious officer :

That it be referred to the superintendent of finance to pay capt. de Frey, in cash or in bills of exchange, such sum as will enable him to return to France, in part of the balance which shall appear to be due to him on settlement of his accounts.

On a report of a committee, consisting of Mr. Sherman, Mr. Randolph, and Mr. Boudinot, to whom was referred a letter of October the 13th, from capt. John Barry :

*Ordered*, That the superintendent of finance take measures for obtaining a copy of the proceedings of the court-martial at Boston, in the case of three men belonging to the frigate Alliance.

According to order, gen. Washington attended, and being introduced by two members, the president addressed him as follows :

SIR : Congress, at all times happy in seeing your excellency, feel particular pleasure in your presence at this time, after the glorious success of the allied arms in Virginia. It is their fixed purpose to draw every advantage from it by exhorting the states in the strongest terms to the most vigorous and timely exertions. A committee has accordingly been appointed to state the requisitions necessary to be made for the establishment of the army, and they are instructed to confer with you upon that subject. It is, therefore, the expectation of Congress that your excellency would remain for some time in Philadelphia, that they may avail themselves of your aid in this important business, and that you may enjoy a respite from the fatigues of war, as far as is consistent with the service.

To which his excellency made the following reply :

MR. PRESIDENT : I feel very sensibly the favorable declaration of Congress expressed by your excellency. This fresh proof of their approbation cannot fail of making a deep impression upon me, and my study shall be to deserve a continuance of it. It is with peculiar pleasure I hear that it is the fixed purpose of Congress to exhort the states to the most vigorous and timely exertions. A compliance on their parts will, I persuade myself, be productive of the most happy consequences.

I shall yield a ready obedience to the expectation of Congress, and give every assistance in my power to their committee. I am obliged by the goodness of Congress in making my personal ease and convenience a part of their concern. Should the service require my attendance with the army upon the North river, or elsewhere, I shall repair to whatever place my duty calls, with the same pleasure that I remain in this city.

On motion of the delegates of South-Carolina :

*Resolved*, That the secretary at war take order for furnishing a wagon, with four horses and a driver, for the purpose of transporting to the southern army, a printing press and necessary apparatus, procured by the state of South-Carolina.

**THURSDAY, November 29, 1781.**

A draft of a letter to his most Christian majesty, being reported, and sundry amendments being made, was passed.

## FRIDAY, November 30, 1781.

The ordinance respecting captures was taken into consideration, and it being moved by Mr. Randolph, seconded by Mr. Carroll, to insert,

"Provided nevertheless, that all goods, wares and merchandises, of the growth, produce or manufacture of Great-Britain, or of any country or territory depending thereon, and found within ten leagues of the coast of the United States, shall be liable to capture and condemnation, unless the same shall have been previously captured.

A motion was made by Mr. Ellery, seconded by Mr. Patridge, to amend by inserting after the word "found," "on board any ship or vessel belonging to the subjects of any prince, state or potentate not in alliance with these states."

On the question to agree to this amendment, the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire</i> , Mr. Livermore,	no	} *	<i>Maryland</i> ,	Mr. Hanson,	no	} no
<i>Massachusetts</i> , Mr. Patridge,	ay		<i>Virginia</i> ,	Carroll,	no	
Osgood,	no			Mr. Jones,	no	
<i>Rhode-Island</i> , Mr. Cornell,	no	} div.		Madison,	no	} no
Ellery,	ay			Randolph,	no	
<i>Connecticut</i> , Mr. Law,	ay	} div.	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	} *
Wolcott,	no		<i>S.-Carolina</i> ,	Mr. Middleton,	no	
<i>New-York</i> , Mr. Floyd,	no	} *		Bee,	no	} no
<i>New-Jersey</i> , Mr. Clark,	ay			Motte,	no	
Houston,	no			Eveleigh,	no	
<i>Pennsylvania</i> , Mr. Atlee,	no	} no	<i>Georgia</i> ,	Mr. Telfair,	no	} no
Wynkoop,	no			N. W. Jones,	no	

So the amendment was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. Ellery,

<i>N.-Hampshire</i> , Mr. Livermore,	no	} *	<i>Maryland</i> ,	Mr. Hanson,	ay	} ay
<i>Massachusetts</i> , Mr. Patridge,	no		<i>Virginia</i> ,	Carroll,	ay	
Osgood,	no			Mr. Jones,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	no	} div.		Madison,	ay	} ay
Cornell,	ay			Randolph,	ay	
<i>Connecticut</i> , Mr. Law,	no	} no	<i>N.-Carolina</i> ,	Mr. Hawkins,	ay	} *
Wolcott,	no		<i>S.-Carolina</i> ,	Mr. Middleton,	ay	
<i>New-York</i> , Mr. Floyd,	no	} *		Bee,	ay	} ay
<i>New-Jersey</i> , Mr. Clark,	ay			Motte,	ay	
Houston,	no			Eveleigh,	ay	
<i>Pennsylvania</i> , Mr. Atlee,	ay	} ay	<i>Georgia</i> ,	Mr. Telfair,	ay	} ay
Wynkoop,	ay			N. W. Jones,	ay	

So the question was lost.

## MONDAY, December 3, 1781.

Mr. Clymer, a delegate for Pennsylvania, attended, and took his seat.

Mr. Condict, a delegate for the state of New-Jersey, attended, and took his seat.

On report of a committee, consisting of Mr. Floyd, Mr. Clark and Mr. Law,

*Resolved*, That Joseph Fry be appointed door-keeper to Congress, and receive the same pay as allowed to the late door-keeper, his pay to commence from the 17th of October last.

On a report of a committee, consisting of Mr. Bee, Mr. Ellery and Mr. J. Jones, to whom was referred a letter of the 29th of November, from the superintendent of finance:

*Resolved*, That the superintendent of the finances of the United States be, and hereby is authorized and directed, to apply and dispose of all monies which have been or may be obtained in Europe by subsidy, loan or otherwise, according to the several resolutions and acts of Congress now existing,

Or which may hereafter be made for the appropriation of monies belonging to the United States.

On a report from the war-office :

*Resolved*, That the secretary at war take order for supplying the state of North-Carolina, with the arms and other articles contained in a report from the war-office of this date, and charge the same to the said state; provided the order from the board of war of the 5th of November last be not executed.

TUESDAY, *December 4, 1781.*

Mr. Hanson and Mr. D. Carroll, having been re-elected delegates to represent the state of Maryland, produced the credentials of their appointment, together with Mr. S. Chase and Mr. Turbutt Wright.

The ordinance respecting captures, being taken into consideration, and on a question to insert the following clause :

“ Provided nevertheless, that from and after the 1st day of March, in the year 1782, all goods, wares and merchandises, of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, if found within three leagues of the coasts, and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture, may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.”

The yeas and nays being required by Mr. Patridge,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Virginia</i> , Mr. Jones,	ay	}	
<i>Massachusetts</i> , Mr. Patridge,	no	}		Madison,	ay	}	ay
	Osgood,	no	}	Randolph,	ay	}	
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>S.-Carolina</i> , Mr. Middleton,	ay	}	
	Cornell,	ay	}	Matthews,	ay	}	
<i>Connecticut</i> , Mr. Law,	ay	}	ay	Bee,	ay	}	ay
	Wolcott,	ay	}	Motte,	ay	}	
<i>New-York</i> , Mr. Floyd,	ay	}	*	Eveleigh,	ay	}	
<i>New-Jersey</i> , Mr. Houston,	ay	}	*	<i>Georgia</i> , Mr. Telfair,	ay	}	ay
<i>Pennsylvania</i> , Mr. Clymer,	ay	}	ay	N. W. Jones,	ay	}	
	Wynkoop,	ay	}				
<i>Maryland</i> , Mr. Hanson,	ay	}	ay				
	Carroll,	ay	}				

So it was resolved in the affirmative.

The ordinance being read a third time, was passed as follows :

An ordinance, ascertaining what captures on water shall be lawful.

In pursuance of the powers delegated by the confederation in cases of capture on water :

Be it ordained by the United States in Congress assembled, that from and after the first day of February next, all resolutions and ordinances of Congress relating to captures or re-captures on water, and coming within the purview of this ordinance, except as is herein after excepted, shall be null and void : but questions of this nature arising before, or which shall be undetermined at that day, shall be determined at any time during the war with Great-Britain, according to them, in the same manner as if this ordinance had never been made.

It shall be lawful to capture and to obtain condemnation of the property herein after enumerated, if found below high water mark ; that is to say,

All ships and other vessels of whatsoever size or denomination belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture.

All goods, wares and merchandises belonging to an enemy, and found on board of a ship or other vessel of such enemy.

All contraband goods, wares and merchandises to whatever nation belonging, although found in a neutral bottom, if destined for the use of an enemy; but the goods, wares and merchandises belonging to an enemy, contraband goods, and goods destined to a blockaded, invested or besieged port, being always excepted, found in a vessel belonging to a foreign nation, other than an enemy, shall in no case be subject to condemnation.

Provided nevertheless, that from and after the first day of March, in the year 1782, all goods, wares and merchandises of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, if found within three leagues of the coasts and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.

All ships or other vessels, goods, wares and merchandises belonging to any power or the subjects of any power against which letters of marque or reprisal shall have issued.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes to whatsoever nation belonging, destined to any port or place invested, besieged or blockaded, by a sufficient force belonging to, in the service of, or co-operating with, the United States, so effectually as that one cannot attempt to enter into such port or place without evident danger.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes, found in the possession of pirates.

The goods, wares and merchandises to be adjudged contraband, are the following, that is to say,

Cannons, mortars, fire-arms, pistols, bombs, granadoes, bullets, balls, fuses, lints, matches, powder, salt-petre, sulphur, carcasses, pikes, swords, belts, pouches, cartouch-boxes, saddles and bridles, in any quantity beyond what may be necessary for the ship's provision, and may properly appertain to, and be adjudged necessary for, every man of the ship's crew or for each passenger.

If it shall manifestly appear, that of any entire thing of which division cannot be made without injury to its value, a subject of the enemy, and a citizen or a subject of a foreign power, not being an enemy, are joint holders, the whole shall be condemned and sold for gold or silver, the proper proportion of the net proceeds of which shall be deposited in the treasury of the state in which the sale shall be, to be paid to the order of such citizen, or the subject to such foreign power.

If such division can be accomplished, but neither the citizen nor the subject of a foreign power, nor his agent, shall require specific restitution of his property, there shall be a sale in the same manner as if the property were indivisible. But if in such case a requisition be made to this effect, the due proportion shall be specifically restored.

Where property shall have been originally captured on land from a state, or a citizen of the United States, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding 1-4th part of the value; no regard being had to the time of possession by the enemy.

In all cases of re-capture by an armed vessel, fitted out at the expense of the United States, of a vessel or other effects belonging to a citizen, the court shall adjudge the proportion which would be due to the United States to be remitted to such citizen, no regard being had to the time of possession by the enemy.

On the re-capture by a citizen of any negro, mulatto, Indian, or other person, from whom labour or service is lawfully claimed by a state or a citizen of a state, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, and without regard to the time of possession by the enemy, a reasonable salvage being paid by the claimant to the re-captor, not exceeding 1-4th of the value of such labour or service, to be estimated according to the laws of the state under which the claim shall be made.

But if the service of such negro, mulatto, Indian, or other person, captured below high-water mark, shall not be legally claimed within a year and a day from the sentence of the court, he shall be set at liberty.

In all other cases of re-capture, restitution shall be made to the owner upon payment of 1-5d part of the true value for salvage, if the property shall have been re-taken in less than 24 hours after the capture. But if it shall not have been re-taken until the expiration of 24 hours after the capture, restitution shall not be made of any part.

Besides those who are duly authorized to make captures by special commission, captures of the property of an enemy shall be adjudged lawful when made :

1st. By a private vessel not having such commission, satisfactory proof being produced that they were made in pursuing the course of her voyage, and repelling a previous attack from an enemy.

2d. By any body or detachment of regular soldiers.

3d. By inhabitants of the country, if made within cannon-shot of the shore.

4th. By an armed vessel sailing under a commission of his most Christian majesty.

5th. By the crews of British vessels, while captures of this sort are licensed by the British.

Re-captures shall be made by no other persons than those authorized to make captures, except the crews of vessels re-taken.

The destruction of papers, or the possession of double papers by any captured vessel, shall be considered as evidence for condemnation, unless good cause be shewn to the contrary.

From and after the first day of February, which shall be in the year of our Lord 1782, any letters of passport or safe conduct, granted before the 27th of March last, under the authority of Congress, to any person whatsoever, for removal of property from a place beyond sea within the dominions or possessions of the British king, shall be void.

Upon the capture of a vessel commissioned as a man of war or privateer, by any of the vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors, to be divided in the following manner, (saving to all persons who shall lose a limb in any engagement, or shall be otherwise disabled in the service of the United States, every benefit accruing to them under the resolutions of Congress of the 25th day of November, 1775,) that is to say,

To the commander in chief of the navy of the United States, shall be allotted 1-20th part of all prizes taken by an armed vessel or vessels under his orders and command : when there shall be no such commander in chief, the 1-20th part allotted to him shall be paid into the treasury of the United States.

To the captain of any single armed vessel, 2-20th parts, but if more ships or vessels be in company when a prize is taken, then the 2-20th parts shall be divided equally among all the captains.

To the captains of marines, lieutenants and masters, 3-20th parts of all prizes taken when they are in company, to be divided equally among them.

To the lieutenants of marines, surgeons, chaplains, pursers, boatswains, gun



ners, carpenters, masters mates, and the secretary of the fleet, 2-20th parts, and half of 1-20th part, to be divided equally among them.

The following petty warrant officers, viz. midshipmen, (allowed for each ship six, for each brig four, and for each sloop two,) captains' clerks, surgeons' mates, stewards, sail-makers, coopers, armourers, (allowing for each vessel one of each only,) boatswains' mates, gunners' mates, carpenters' mates, (allowing for each vessel two of each,) cooks, cockswains, (allowing for each vessel one of each,) serjeants of marines, (allowing two for each ship and one for each brig and sloop,) 3-20th parts, to be divided equally among them: and when a prize is taken by any vessel, on board or in company of which the commander in chief is, then the commander in chief's cook or cockswain shall be added to the petty warrant-officers, and share equally with them.

The remaining 8-20th parts, and half of the 1-20th part shall be divided among the rest of the vessel's company or companies, as it may happen, share and share alike.

No officer nor man shall have any share, but such as are actually on board their several vessels when any prize or prizes shall be taken, excepting only such as may have been ordered on board any other prizes, before taken or sent away by his or their commanding officers.

Upon the capture of any other vessel, if made by a vessel of war, belonging to the United States, one half of the property condemned shall be decreed to the United States, and the other half to the captors, to be divided as aforesaid; if by a private vessel not having a commission, the whole shall be decreed to the captors: if by any body or detachment of regular or other troops in the service of the United States, the whole shall be adjudged to the captors, to be divided in proportion to the pay in the line of the army: if by inhabitants of the country, being in arms; the whole shall be adjudged to the captors, to be divided equally among them: provided, that if any such inhabitant shall be wounded in making the capture, he shall be entitled to two shares, and if killed, his legal representatives shall be entitled to four shares; if by the crews of British vessels, the whole shall be adjudged to the captors, to be divided at the discretion of the court.

On re-capture by an armed vessel belonging to the United States, of a vessel under the protection of a vessel belonging to the enemy, commissioned as a man of war or privateer, or where the vessel re-taken is equipped in a war-like manner, the proportion to be withdrawn from the original owner, shall be divided as in the case of a capture of an enemy's vessel commissioned as a man of war or privateer.

On re-capture by an armed vessel belonging to the United States, of a vessel under the protection of an hostile vessel not commissioned as a man of war or privateer; and where the vessel re-taken is not equipped in a war-like manner, the proportion to be withdrawn from the original owner shall be divided, as in the case of an hostile vessel not commissioned as a man of war or privateer.

The rules of decision in the several courts shall be the resolutions and ordinances of the United States in Congress assembled, public treaties when declared to be so by an act of Congress, and the law of nations, according to the general usages of Europe. Public treaties shall have the pre-eminence in all trials.

This ordinance shall commence in force on the 1st day of February, which will be in the year of our Lord 1782.

Done by the United States, in Congress assembled, &c. &c.

WEDNESDAY, *December 5, 1781.*

A letter, of the 24th of November last, from the governor of the state of New-York, was read, together with concurrent resolutions of the senate and

assembly of the said state, declarative of their sense on the acts of Congress of the 7th and 20th of August last, respecting the people residing on the New-Hampshire Grants, on the west side of Connecticut river :

*Ordered*, That the concurrent resolutions be filed in the secretary's office among the archives of Congress.

THURSDAY, *December 6, 1781.*

A motion was made by Mr. Floyd, seconded by Mr. Middleton, to add a farther description of the concurrent resolutions of the senate and assembly of the state of New-York, which were read yesterday, the following words, to wit:

"And protesting against any attempt made by Congress to carry into execution their said acts of the 7th and 20th of August last."

And the yeas and nays being required by Mr. Middleton,

<i>N.-Hampshire,</i>	Mr. Livermore,	no	}	* div.	<i>Maryland,</i>	Mr. Hanson,	ay	}	div.
<i>Massachusetts,</i>	Mr. Patridge,	ay			<i>Virginia,</i>	Carroll,	no		
	Osgood,	no	}	no		Mr. Jones,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Ellery,	no			<i>S.-Carolina,</i>	Madison,	ay		
	Cornell,	no	}	div.		Randolph,	ay	}	ay
<i>Connecticut,</i>	Mr. Law,	ay			<i>Georgia,</i>	Mr. Middleton,	ay		
	Wolcott,	no	}	* ay		Matthews,	ay	}	ay
<i>New-York,</i>	Mr. Floyd,	ay				Bee,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay		Eveleigh,	ay	}	ay
	Condict,	ay				Mr. Telfair,	ay		
<i>Pennsylvania,</i>	Mr. Clymer,	ay	}	ay		N. W. Jones,	ay	}	ay
	Wynkoop,	ay							

So it was lost.

MONDAY, *December 10, 1781.*

On a report from the secretary at war, to whom was referred a petition of captain Adrian Provaux,

*Resolved*, That captain Adrian Provaux, of the 2d South-Carolina regiment, have a furlough for five months, for the purpose of settling the affairs of his deceased father at Cape-Francois.

On a report of a committee, consisting of Mr. Carroll, Mr. Cornell, Mr. Atlee, Mr. Randolph and Mr. Eveleigh, appointed to report the number of men necessary to be raised for the ensuing year, and to whom sundry other matters were referred :

*Resolved*, That the legislature of each state raise, at the expense thereof, in the first instance, to be reimbursed by the United States, so many men as may be necessary to complete the quota assigned to such state, out of the number of land forces agreed upon in the resolution of the 3d and 21st days of October, 1780, calculating the deficiency upon the number of men whose time of service will expire on or before the first day of March, 1782.

*Resolved*, That the legislature of each state be called upon, in the most pressing manner, to cause the quota thereof of land forces, to be completed and in the field by the first day of March next, and to provide for replacing those men whose time of service shall expire between the first day of March, 1782, and the last day of November in the said year.

*Resolved*, That it be recommended to the legislature of each state, to fill up the quota thereof of land forces by enlistments for three years, or during the war.

*Resolved*, That such states as now have any non-commissioned officers or privates in any of the regiments of cavalry, legionary corps, artillery, or Hazen's regiment, be credited in their quotas for such men, according to the numbers, from time to time ; for which purpose the commander in chief is hereby directed to specify such non-commissioned officers and privates to the states to which they formerly belonged, in the returns which he shall make to the states, and in his annual return to Congress.

**Resolved**, That the commander in chief cause returns to be made as speedily as possible, to the legislature of each state, as well of the number of men whose times of service expire before the first day of March, 1782, as of those whose time of service will expire on or before the last day of November in the year aforesaid.

**TUESDAY, December 11, 1781.**

A motion was made by Mr. Carroll, seconded by Mr. Motte,

That it be recommended to the legislatures of the several states, to cause to be taken and transmitted to Congress, as soon as practicable, the number of the white inhabitants thereof, pursuant to the 9th article of the confederation.

On which the yeas and nays being required by Mr. Carroll,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	} *	<i>Virginia</i> , Mr. J. Jones,	ay	}
<i>Massachusetts</i> , Mr. Lovell,	ay	} ay	Madison,	ay	} ay
Patridge,	ay	}	Randolph,	ay	}
<i>Connecticut</i> , Mr. Law,	no	} no	<i>N.-Carolina</i> , Mr. Hawkins,	ay	} *
Wolcott,	no	}	<i>S.-Carolina</i> , Mr. Middleton,	ay	}
<i>New-York</i> , Mr. Floyd,	ay	} *	Matthews,	ay	}
<i>New-Jersey</i> , Mr. Clark,	ay	} ay	Bee,	ay	} ay
Condict,	ay	}	Motte,	ay	}
<i>Pennsylvania</i> , Mr. Clymer,	ay	} ay	Eveleigh,	ay	}
Wynkoop,	ay	}	<i>Georgia</i> , Mr. Telfair,	ay	} ay
<i>Maryland</i> , Mr. Hanson,	ay	} ay	N. W. Jones,	ay	}
Carroll,	ay	}			

So it was resolved in the affirmative.

**FRIDAY, December 14, 1781.**

On a report of the secretary at war, to whom was referred sundry applications of particular officers,

**Resolved**, That in future no particular warrants issue in favor of any officers in actual service in the line of any state, for pay or subsistence, but that at all times they draw their pay and subsistence with the regiment to which they respectively belong, from the pay-master of such regiment.

On another report from the secretary at war, to whom was referred a letter from John Sprague, in behalf of brigadier-gen. James Reed,

**Resolved**, That it be recommended to the state of New-Hampshire to make up the depreciation of brigadier-general Reed's pay, from the time of his appointment to the 1st day of August, 1779, and to pay him the real value of his wages as established by Congress, at the rate of 125 dollars per month, from the 1st day of August, 1779, to the last day of December, 1780; and that they pay him for his retained rations, amounting to 9,372, at the rate of one-ninth of a dollar per ration.

On report of a committee appointed to confer with the commander in chief on the arrangement of the army, to whom was referred a report of the board of war on a memorial of major Galvan,

**Resolved**, That notwithstanding Congress entertain a just sense of the merit of major Galvan, the good of the service will not permit his being promoted at this time.

**SATURDAY, December 15, 1781.**

On motion of Mr. Cornell, seconded by Mr. Clark,

**Resolved**, That the resolution passed yesterday against issuing particular warrants, and respecting the mode of drawing for pay and subsistence, be extended to officers of the separate corps, as well as to those in the lines of the several states.

On a report of the secretary at war, to whom were referred motions made

by the delegates of South-Carolina and Georgia, for arms and ammunition for the use of their respective states,

*Resolved*, That the secretary at war take order for furnishing the delegates of South-Carolina with 1200 stand of arms, 1200 cartouch-boxes, one ton of musket powder, two tons of lead, 5000 flints, with a sufficient quantity of paper and thread to make the powder into cartridges, the said supply to be charged to the account of the said state :

That the secretary at war take order for furnishing the delegates of the state of Georgia, with 300 stand of arms and accoutrements, 300 cartouch-boxes, 500 pounds of powder, 1000 pounds of lead, 1500 flints, with a sufficient quantity of thread and paper to make up the powder into cartridges, the said supply to be on the account and charged to the state of Georgia.

On report of a committee, consisting of Mr. Randolph, Mr. Ellery, and Mr. Middleton, to whom was referred a petition of John Larreguy, in behalf of John Joseph Lacoizqueta and John Barberis, subjects of his Catholic majesty, concerning 22 barrels of cochineal, said to have belonged to the said Lacoizqueta and Barberis, and stated by him to have been taken by a vessel bearing the commission of the United States, and condemned in the first instance by the maritime court of Massachusetts, and afterwards by the court of appeals :

*Resolved*, That the said John Larreguy be informed that the court of appeals is the established judicature in the United States, in the last resort, on questions relative to prize ; that the judges of that court are left free in their judgment ; that as no proof or even insinuation is suggested, that they affirmed the sentence of the maritime court of Massachusetts against their conscience, Congress cannot interfere in the complaint contained in the said petition ; but that application for relief against the sentence of affirmation, if any, ought to be made to the court of appeals.

On a report of a committee, consisting of Mr. Clymer, Mr. Lovell, and Mr. Hawkins, to whom was referred a letter of the 10th from major Giles,

*Resolved*, That major Edward Giles, while in actual service, be entitled to receive the pay and subsistence of a major.

#### MONDAY, *December* 17, 1781.

On a report of a committee, consisting of Mr. J. Jones, Mr. Ellery, and Mr. Osgood, to whom was referred a letter from Richard Peters, esq. late a commissioner of the board of war,

*Resolved*, That Mr. Peters' letter be entered on the journal, and that he be informed that Congress are sensible of his merit, and convinced of his attachment to the cause of his country, and return him their thanks for his long and faithful service in the war department.

The letter is as follows :

*War-Office, November* 29, 1781.

SIR, General Lincoln having taken upon him the business entrusted to my care, and the powers with which I was honored ceasing, I have delivered to him the books and papers of the department, and beg to take my most respectful leave of Congress as a public officer. After my having exercised under their immediate observation, for more than five years past, an arduous employment, which, in its commencement, I had to organize and arrange, in its progress always to share, and for no inconsiderable portion of the time, solely to support its difficulties, it is needless for me to make any professions of unalterable attachment to the cause of my country. It gives me pleasure that the situation of public affairs has, in a considerable degree, abated the embarrassments attending the department, and that the gentleman who succeeds to it will have to travel in a path, though not without its impediments, yet less thorny than that trodden by his predecessors. Far from being greedy after fame, I shall deem myself fortunate, if, through the vicissitudes of the war, and in the various scenes of business I have been engaged, I have con-

ducted myself irreproachably. I am happy that the time I leave the public business, is one of the most prosperous periods of the war, and that it can be so agreeably contrasted with that in which I was called to it. I shall return on this account, with great cheerfulness, because I can do it with honor, to the duties of a private citizen, and hope ere long to enjoy in peace that independence, which in prospect has animated me through many a toilsome day, and will amply reward me for the loss of private ease and fortune, and all the perplexities and distresses I have continually assisted to encounter in the department in which I had the honor to serve.

I have the honor to be, with the greatest respect,  
your very obedient servant,

RICHARD PETERS.

His excellency the President of Congress.

A letter to the states was reported and agreed to, urging them to comply with the requisitions for men and money.

**TUESDAY, December 18, 1781.**

On report of the committee appointed to report the number of men, &c.

*Resolved*, That it be recommended to the legislature of each state to appoint one or more places at which the recruits thereof shall rendezvous, to supply such recruits with provisions from the time of their being mustered until they shall join the army; and to give notice of the place or places so appointed to the commander in chief, or the commanding officer of the southern department, who, upon receiving such notice, will send to each place of rendezvous a judicious, faithful officer, whose duty it shall be to muster the recruits and forward them to the places of their destination; to keep a size-roll of all the men he shall muster, and give a copy thereof to the officer commanding the recruits sent forward as aforesaid; to transmit weekly a copy of the roll to the executive of the state for which the recruits are mustered; and, upon mustering a recruit, to certify to the person producing him, the class, town and county for which he was engaged to serve, which certificate shall be full evidence that an able-bodied man has been mustered and received.

**WEDNESDAY, December 19, 1781.**

On motion of Mr. Cornell, seconded by Mr. Osgood,

*Resolved*, That in case the superintendent of finance shall find it convenient and proper to provide by contract for supplying the recruits at and from the places of rendezvous until they join the army, the states may be relieved from that duty.

On the report of the committee, appointed to report the number of men, &c.

*Resolved*, That the commander in chief do, from time to time, as occasion may require, make known to the secretary at war, the number of general officers which he shall judge necessary to be in the field in the main and separate armies, and in different parts of the United States; and that, on the receipt thereof, the secretary at war shall issue his orders to such general officers as he shall think proper to remain in or take the field for the purpose of completing the said number: and that he report to Congress the names of the officers remaining in or called into the field.

*Resolved*, That every general officer who shall not be in the field agreeably to the foregoing resolution, shall be considered as being on the half-pay establishment, but liable to be called into the field; and that every general officer who shall have been on the half-pay establishment according to the preceding resolution, and shall be recalled into the field, shall receive during his continuance in actual command, every allowance and emolument incident to his rank.

A motion was made by Mr. Ellery, seconded by Mr. Middleton, to add the following proviso, to wit:



"Provided nevertheless, that no general officer shall remain in or take the field without the approbation of Congress."

On the question to agree to this proviso, the yeas and nays being required by Mr. Ellery,

<i>N. Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Maryland,</i>	Mr. Hanson	no	}	no		
<i>Massachusetts,</i>	Mr. Lovell,	no			Carroll,	no					
	Patridge,	no	}	no	<i>Virginia,</i>	Mr. J. Jones,	no	}	no		
	Osgood,	no			Randolph,	no					
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	div.	<i>S.-Carolina,</i>	Mr. Middleton,	ay	}	no		
	Cornell,	no			Matthews,	ay					
<i>Connecticut,</i>	Mr. Law,	no	}	no		Bee,	no	}	no		
	Wolcott,	no			Motte,	no					
<i>New-York,</i>	Mr. Floyd,	no	}	*		Eveleigh,	no	}	no		
<i>New-Jersey,</i>	Mr. Clark,	no			}	no	<i>Georgia,</i>			Mr. Telfair,	no
	Condict,	no						N. W. Jones,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no							
	Clymer,	no									
	Wynkoop,	no									

So it passed in the negative.

#### THURSDAY, December 20, 1781.

*Resolved*, That the commander in chief be directed to obtain the fullest information he can, respecting the powers and conduct of a set of men who stile themselves, "the board of directors of the associated loyalists in New-York," and report thereon to Congress.

On report of a committee, consisting of Mr. Houston, Mr. Cornell and Mr. J. Jones, to whom was referred a letter of the 24th of November, from the governor of the state of New-York,

*Ordered*, That the secretary at war furnish to the order of Mr. Floyd, one of the delegates for the state of New-York, two tons of gun-powder, and charge the same to the said state.

#### FRIDAY, December 21, 1781.

On motion of Mr. Clark, seconded by Mr. Motte,

*Resolved*, That at eleven o'clock every morning, to which Congress is adjourned, the secretary shall call the states, and in case a sufficient number to proceed upon business should not be present, the president shall then adjourn Congress for that day without a question, and the secretary shall note in a book to be kept for that purpose, the states unrepresented.

*Ordered*, That Mr. Matthews have leave of absence.

#### MONDAY, December 24, 1781.

Mr. Elmer, a delegate for New-Jersey, attended.

On a report from the secretary at war,

*Resolved*, That in future no recruit shall be enlisted to serve as a drummer or fifer. When such are wanted, they shall be taken from the soldiers of the corps, in such numbers and of such description as the commander in chief or the commanding-officer of a separate army shall direct, and be returned back and others drawn out as often as the good of the service shall make necessary.

That all drummers and fifers, after being supplied each with a good drum and fife, shall keep the same in repair by stoppages from his pay, in such manner as the commanding officer of the corps shall order.

A letter, from the superintendent of finance, was read, wherein he requests that Congress will be pleased to appoint two auditors as soon as may be convenient.

An ordinance respecting the hospital-department was read the first time:

*Ordered*, That Wednesday next be assigned for the second reading of this ordinance.

On a report of a committee, consisting of Mr. Lovell, Mr. Sherman, and Mr. Clymer, to whom was referred so much of a report from the committee of commerce as relates to the salary of Mr. William Bingham,

*Resolved*, That there be passed to the credit of William Bingham, esq. on the treasury books, the sum of 110,324 livres of Martinique, due to him as the political agent of the United States in the French West-Indies, to bear an interest of six per cent. per annum, from the 14th day of June last.

Wednesday and Friday were employed in the second reading of the ordinance on the hospital department, which, after debate, was referred to a new committee.

#### SATURDAY, December 29, 1781.

On report of a committee, consisting of Mr. Middleton, Mr. Clymer and Mr. Clark, to whom was referred a motion for supplying the several states with copies of ordinances or reports previously to their being debated,

*Ordered*, That whenever a day is assigned for the consideration of any ordinance or report, upon a matter of importance and not of a secret nature, the secretary, *ex officio*, cause to be made out and laid upon the table of Congress, as soon as may be, a copy of such ordinance or report for each state represented in Congress, for the information of members previously to their being debated.

An ordinance for incorporating the subscribers to the national bank, was read a first time :

*Ordered*, That Monday next be assigned for a second reading.

#### MONDAY, December 31, 1781.

The ordinance for incorporating the subscribers to the bank of North-America, was read a second time, and ordered to be read a third time at two o'clock.

On report of the committee, appointed to confer with the commander in chief, to whom was referred a report of the board of war respecting a number of officers not belonging to the line of any particular state or separate corps of the army,

*Resolved*, That all officers of the line of the army, below the rank of brigadier-general, who do not belong to the line of any particular state or separate corps of the army, and are entitled by acts of Congress to pay and subsistence, shall have the same with the depreciation of their pay, made good to the first day of January, 1782.

*Resolved*, That the secretary at war be, and he is hereby directed to make returns to Congress on or before the 20th day of January, 1782, of the names and rank of all the officers necessary to be retained in service, that are included in the preceding resolution.

*Resolved*, That all officers included in the foregoing description, and whose names shall not be inserted in the returns directed to be made by the preceding resolution, shall be considered as retiring from service on the 1st day of January, 1782 : provided always, that nothing contained in these resolutions, shall be construed so as to prevent or hinder any officer that shall retire as aforesaid, from enjoying all the emoluments that he may, upon retiring, be entitled to by any former acts of Congress.

*Resolved*, That it be recommended to the several states respectively, to settle the depreciation of the pay of all the officers that are inhabitants of their respective states, and shall retire from service under the preceding resolutions, in the same manner as they settled with the officers of the line of their state, and charge the same to the United States : and that the depreciation of all officers of the line of the army, not being inhabitants of the United States, nor belonging to the line of any state, be settled upon the

same scale by which the settlement was made with the officers and privates of colonel Hazen's regiment.

The ordinance being read a third time, was agreed to as follows :

An ordinance to incorporate the subscribers to the bank of North-America.

Whereas Congress on the 26th day of May last did, from a conviction of the support which the finances of the United States would receive from the establishment of a national bank, approve a plan for such an institution submitted to their consideration by Robert Morris, esq. and now lodged among the archives of Congress, and did engage to promote the same by the most effectual means ; and whereas, the subscription thereto is now filled from an expectation of a charter of incorporation from Congress, the directors and president are chosen, and application hath been made to Congress by the said president and directors for an act of incorporation : and whereas, the exigencies of the United States render it indispensably necessary that such an act be immediately passed :

Be it therefore ordained, and it is hereby ordained, by the United States in Congress assembled, that those who are, and those who shall become subscribers to the said bank be, and forever after shall be, a corporation and body politic to all intents and purposes, by the name and stile of *the president, directors and company of the bank of North America*.

And be it further ordained, that the said corporation are hereby declared and made able and capable in law, to have, purchase, receive, possess, enjoy, and retain lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to the amount of 10,000,000 of Spanish silver milled dollars and no more ; and also to sell, grant, demise, alien, or dispose of the same lands, rents, tenements, hereditaments, goods, chattels and effects.

And be it further ordained, that the said corporation be, and shall be forever hereafter, able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend, and be defended, in courts of record or any other place whatsoever ; and to do and execute all and singular other matters and things that to them shall or may appertain to do.

And be it further ordained, that for the well governing of the said corporation and the ordering of their affairs, they shall have such officers as they shall hereafter direct or appoint : Provided nevertheless, that twelve directors, one of whom shall be the president of the corporation, be of the number of their officers.

And be it further ordained, that Thomas Willing be the present president, and that the said Thomas Willing, and Thomas Fitzsimmons, John Maxwell Nesbit, James Wilson, Henry Hill, Samuel Osgood, Cadwallader Morris, Andrew Caldwell, Samuel Inglis, Samuel Meredith, William Bingham, Timothy Matlack, be the present directors of the said corporation ; and shall so continue until another president and other directors shall be chosen according to the laws and regulations of the said corporation.

And be it further ordained, that the president and directors of the said corporation, shall be capable of exercising such power for the well governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose, as shall be described, fixed and determined by the laws, regulations and ordinances of the said corporation.

And be it further ordained, that the said corporation may make, ordain, establish, and put in execution such laws, ordinances and regulations as shall seem necessary and convenient to the government of the said corporation.

Provided always, that nothing herein before contained, shall be construed to authorize the said corporation, to exercise any powers in any of the United States, repugnant to the laws or constitution of such state.

And be it further ordained, that the said corporation shall have full power and authority, to make, have and use, a common seal, with such device and

inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

And be it further ordained, that this ordinance shall be construed, and taken most favourably and beneficially for the said corporation.

Done by the United States in congress assembled, &c. &c.

*Resolved*, That it be recommended to the legislature of each state, to pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation, agreeably to the true intent and meaning thereof, and according to the recommendations contained in the resolutions of the 26th day of May last.

WEDNESDAY, *January 2, 1782.*

On motion of Mr. Clark, seconded by Mr. Madison,

*Resolved*, That the post-office be continued on the old establishment until the first day of February next.

On report of a committee, consisting of Mr. Randolph, Mr. Lovell, Mr. Montgomery, to whom was referred a letter of the 18th of November, 1781, from the secretary for foreign affairs :

*Ordered*, That the secretary for foreign affairs lay before Congress an estimate of the expenses which will probably be incurred by the foreign ministers of the United States respectively, and their secretaries.

*Ordered*, That the superintendent of finance take order for supplying the foreign ministers of the United States, their secretaries and the public agents, with their respective salaries.

On report of a committee, consisting of Mr. Randolph, Mr. Ellery, Mr. Law, to whom was referred a motion of Mr. J. Jones, Congress came to the following resolution :

To render more effectual the provision contained in the ordinance, ascertaining what captures on water shall be lawful, for the capture and condemnation of goods, wares and merchandises of the growth, produce or manufacture of Great-Britain, or the territories depending thereon, in certain cases :

*Resolved*, That it be earnestly recommended to the legislature of each state to pass acts to be in force during the continuance of the present war, for the seizure and condemnation of all goods, wares and merchandises of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, which shall be found on land within their respective jurisdictions, unless the same shall have been imported before the first day of March, 1782, or shall have been captured from the enemy.

THURSDAY, *January 3, 1782.*

On a report of the secretary at war, to whom was referred a memorial of Dr. Glentworth and others :

*Resolved*, That it be, and hereby is recommended to the state of Pennsylvania, to settle the balance of pay and depreciation due to doctors G. Glentworth, W. Smith, J. Fallon, S. Duffield and S. Halling, late physicians and surgeons in the general hospital, on the same principles they settled with the other physicians and surgeons of the army, or citizens of that state.

An ordinance amending the ordinance ascertaining what captures on water shall be lawful, was read a first time.

*Ordered*, That Monday next be assigned for the second reading.

On a report of a committee, consisting of Mr. Clark, Mr. Cornell and Mr. Motte, to whom was referred an arrangement of the medical department :

*Resolved*, That for the more regular conducting the general hospital, the offices of chief physician and surgeon of the army, and of chief hospital physician, be, and hereby are abolished ; and that the chief physician and surgeon to the army, eldest in appointment, be continued in service, under the title of physician, with the pay and emoluments heretofore allowed to a chief hospital physician :

That the number of surgeons to all the military hospitals of the United States, be reduced so as not to exceed fifteen :

That the director have the general superintendence and direction of all the military hospitals, and of practice both in camp and in hospitals :

That in the absence of the director, his duty devolve on the deputy director or physician, and in their absence on the hospital surgeons, according to seniority :

That the director, or in his absence the senior medical officer, with the approbation of the commander in chief, or commanding general of a separate army, be, and hereby is authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers then present ; and it shall be the duty of such board to appoint all hospital mates, to examine all candidates for promotion in the hospital department, and recommend to the secretary at war such as they judge best qualified ; and generally to take cognizance of, and give their opinion and advice on every matter relative to the department, which may be submitted to them by the commander in chief, or commanding general of a separate army : provided always, that no regulation, plan or order of the board, shall be valid and take effect, until approved by the commander in chief, or commanding general of a separate army, and issued in general orders :

That all returns heretofore ordered to be made by the director or deputy director, to the medical committee, be made to the secretary at war :

That the stewards may, in the first instance, when the purveyor or his assistant is at a distance, be appointed by the director or senior medical officer, but shall be removeable at pleasure, and others substituted in their stead, by the purveyor or his assistant. And although in their purchases or issues, they are to obey the order of the prescribing surgeons, yet for the faithful discharge of their duty, they are to be accountable to the purveyor, who shall in like manner be accountable to the United States. Wherefore the said stewards shall keep separate accounts of all they receive, and of what they themselves purchase ; and shall render an account monthly of all their issues, with their stock on hand, to the purveyor, who shall render the said accounts, together with a particular account of the supplies furnished by himself or his assistants to each respective hospital, once every three months to the superintendent of finance :

That the secretary at war be, and he is hereby empowered and directed, on or before the first day of February next, and hereafter, from time to time, as the service may require, to arrange the department agreeably to the foregoing resolutions, and to issue his orders to such as he thinks proper to remain, paying a due regard in his first arrangement to such of the chief physicians and surgeons as may choose to continue in service in the rank of surgeons, and in his subsequent arrangements to such of the senior officers as may choose to remain in service :

That such of the officers as shall not be called into service agreeably to the foregoing resolution, be considered as reduced by Congress, and be entitled to the emoluments granted by the act of Congress of the 17th of January, 1781 :

That when by reason of vacancies or otherwise, any officer hereafter to be appointed in the hospital department, and whose appointment is reserved to Congress, due regard be paid to the officers next in rank ; and that the appointment of hospital surgeons be from among the regimental surgeons and hospital mates : provided that no regimental surgeon shall be so appointed, who shall not have submitted himself to an examination by the medical board, and obtained from them a certificate that he is well qualified for the office of regimental surgeon, by which certificate the regimental surgeon shall be considered as superior in rank to an hospital mate, but not otherwise.



**Resolved**, That the director, deputy director, physician, surgeons and mates, as well hospital as regimental, receive their pay out of the military chest, at the same time and in the same manner as the army with which they serve; the abstracts to be signed by the director, deputy director or physician, or in their absence by the senior hospital surgeon; and the warrants to issue in the same manner as for the pay of the army.

**MONDAY, January 7, 1782.**

The ordinance for amending the ordinance, ascertaining what captures on water shall be lawful, was read a second time, and ordered to be read a third time to-morrow.

On a report of a committee, consisting of Mr. Osgood, Mr. Randolph and Mr. Bee, to whom was referred a motion relative to the value and weight of foreign coins:

**Resolved**, That it be an instruction to the superintendent of finance, to prepare and report to Congress a table of rates, at which the different species of foreign coins most likely to circulate within the United States, shall be received at the treasury thereof.

**TUESDAY, January 8, 1782.**

The ordinance for amending the ordinance, ascertaining what captures on water shall be lawful, was read a third time, and passed as follows:

An ordinance for amending the ordinance, ascertaining what captures on water shall be lawful.

Whereas there hath been great variance in the decisions of several maritime courts within the United States, concerning the pretensions of vessels claiming a share of prizes, as being in sight at the time of capture; some having adjudged that the mere circumstance of being in sight was a sufficient foundation of title, while others have required proof of a more active influence: and whereas this inconvenience hath arisen from the want of an uniform rule of determination in such cases:

Be it therefore ordained by the United States in Congress assembled, that no share of any prize shall be adjudged to a vessel being in sight at the time of capture, unless the said vessel shall have been able at the time when the captured vessel struck, to throw a shot as far as the space between herself and the captured vessel; and that every vessel coming in aid of the captors, which shall have been able at the time when the captured vessel struck, to throw a shot as aforesaid, and shall have been duly authorized to make captures, shall be entitled to share according to the number of her men and the weight of her metal: provided that nothing herein contained shall be construed to effect any agreement which shall have been previously made between vessels cruizing in consort.

And be it further ordained by the authority aforesaid, that whensoever an armed vessel belonging to, and commissioned by the enemy, shall be captured by any armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of the captured vessel, and her rigging, tackle, apparel and furniture, shall be adjudged to the captors; and where a cargo shall be on board of such captured vessel, one moiety of the net proceeds of such cargo shall be adjudged to the United States, and the other moiety to the captors.

And be it further ordained by the authority aforesaid, that upon the capture of any vessel belonging to the enemy, and laden with masts or spars, by an armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of such captured vessel and her cargo shall be adjudged to the captors.

This ordinance shall take effect and be in force, from and after the last day of February next.

Done by the United States in Congress assembled, &c. &c.

WEDNESDAY, *January 9, 1782.*

An ordinance was read the first time respecting the settlement of public accounts, which was first reported by the superintendent of finance on a reference of a memorial of the legislature of New-Jersey, November 23, 1781, and which being referred to a committee, consisting of Mr. J. Jones, Mr. Cornell, Mr. Clymer, Mr. Osgood and Mr. Matthews, was amended and reported by them :

*Ordered*, That Friday next be assigned for the second reading.

On a report of the secretary at war, on a resolution of the legislature of New-Hampshire, of the 29th of November last, and a petition of captain Ebenezer Greene :

*Resolved*, That it be, and is hereby recommended to the state of New-Hampshire, to settle with and pay captain Ebenezer Greene, and make him such allowances for his services and sufferings, as shall appear to them to be his just due, but not to exceed his full pay as a captain, for so long time as they may judge proper, not exceeding the time of his release, and charge the same to the United States.

A report of a committee, consisting of Mr. Randolph, Mr. Sherman and Mr. Clymer, to whom was referred a plan of a convention between his most Christian majesty and the United States, for regulating the powers and duties of consuls and vice-consuls, was agreed to by nine states.

*Ordered*, That the committee who brought in the report, communicate the report as agreed to, to the honorable the minister plenipotentiary of France.

A motion was made by Mr. Randolph, seconded by Mr. Osgood,

That in consideration of the eminent services of brig. gen. Knox, commanding officer of the artillery of the United States ; and particularly of his meritorious conduct in the siege of York, in the state of Virginia, he be promoted to the rank of major-general, and take rank from the 15th of day November last.

That all promotions from the rank of brigadier-general to majors-general, be according to the established rules of the promotion of colonels to the rank of brigadier-generals.

On the question to agree to this, the yeas and nays being required by Mr. Middleton,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	>	*	<i>Pennsylvania</i> , Mr. Montgomery,	ay	>	
<i>Massachusetts</i> , Mr. Lovell,	ay	}		Clymer	no	}	ay
Patridge,	ay	}	ay	Wynkoop	ay	}	
Osgood,	ay	}		<i>Maryland</i> , Mr. Hanson,	ay	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	Carroll,	ay	}	
Cornell,	ay	}		<i>Virginia</i> , Mr. Madison,	ay	}	ay
<i>Connecticut</i> , Mr. Law,	ay	}	ay	Randolph,	ay	}	
Wolcott,	ay	}		<i>N.-Carolina</i> , Mr. Hawkins,	ay	}	*
<i>New-York</i> , Mr. Floyd,	ay	}	*	<i>S.-Carolina</i> , Mr. Middleton,	no	}	
<i>New-Jersey</i> , Mr. Boudinot,	ay	}		Bee,	no	}	no
Elmer,	no	}	no	Motte,	no	}	
Condict,	no	}		Eveleigh,	no	}	
				<i>Georgia</i> , Mr. Telfair,	no	}	no
				N. W. Jones,	no	}	

So the motion was lost.

THURSDAY, *January 10, 1782.*

The committee, consisting of Mr. Cornell, Mr. Lovell, Mr. Motte, to whom was referred a plan for conducting the inspector's department reported by the secretary at war, delivered in their report, which being read, was agreed to as follows :

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Plan for conducting the inspector's department.

*Resolved*, That the establishment of the inspector's department by the resolutions of the 25th of September, 1780, and all subsequent resolutions relative thereto, be, and hereby are, repealed; and that the department hereafter have the following form, powers, and privileges, viz.

There shall be an inspector-general of the armies of the United States, to be appointed by Congress from the general officers, and to be allowed one secretary in addition to the aids, which he has in the line of the army: the secretary shall be taken from the line, and be entitled to the pay and emoluments of an aid-de-camp. There shall be one inspector for each separate army, to be taken from the field-officers of the line of the army, to be allowed \$0 dollars per month, in addition to his pay and emoluments in the line.

The inspector-general or inspector of a separate army shall, once in every month, in such time, place, and mode as the commander in chief, or commanding officer of a separate army, shall direct, review and muster the troops of every denomination in service, at which review they shall inspect the number and condition of the men and horses, the discipline of the troops, the state of their arms, accoutrements, ammunition, clothing and camp equipage, and make returns thereof to the commander in chief, or commanding officer of a separate army; noting the deficiencies, neglects and abuses, and, if possible, the manner in which they happened; and at the same time pointing out the alterations and amendments they may think necessary, in any branch of the military system: duplicates of which returns shall be transmitted by the commander in chief, or commanding officer of a separate army, to the secretary at war.

At the end of every review the commanding officer of the corps reviewed, shall exercise his corps in the manual and evolutions before the inspector, so as to enable him to inspect and report the discipline of the troops agreeably to the foregoing paragraph; and when the inspector-general, or inspector of a separate army finds it necessary to have any particular evolutions or manœuvres performed, either by one or several corps, he shall furnish a plan of such evolutions to the commanding officer of the army, who will approve or amend them, and order them executed as he may think proper.

At every review, the commanding officers of companies and corps shall produce to the inspector, returns of the state of their respective companies and corps, and such other papers and vouchers relative to the enlistment of the men, as he shall think necessary: three muster-rolls shall also be made out by the commanding officer of each troop or company and signed by him, one of which shall be returned to him, certified by the inspector; one shall be certified and delivered to the regimental pay-master, to be affixed to the pay-rolls, and the other shall be retained by the inspector.

The inspector general or inspector of a separate army shall, as soon as possible after every muster, transmit an abstract of the musters of the whole army in which he is serving, to the commanding officer, who shall transmit a duplicate thereof to the secretary at war.

As soon as possible after every review, the inspector shall report to the commander in chief, or commanding officer of a separate army, all such soldiers whom, from inability or other causes, it may be necessary to discharge or transfer to the invalids; and no discharge shall in future be valid, unless signed by the commander in chief or officer commanding the army where such discharge is given.

The inspector-general, or inspector of a separate army, shall be authorized to call on the quarter-master general, clothier-general, and field commissary of military stores, or their deputies, for returns of the articles which have been issued from and returned to their several departments by each corps,

wood; captain Capitaine, captain Pontgibeaue, captain La Colombe, aids to major-general the marquis de la Fayette; captain Pontiere, aid to major-general baron Steuben.

**TUESDAY, January 22, 1782.**

Mr. Livermore, a delegate for the state of New-Hampshire, attended, and produced credentials of his appointment, dated December 29th, 1781, empowering him to represent that state until the first day of November next.

A committee, consisting of Mr. Randolph, Mr. Ellery and Mr. Law, to whom was referred a memorial of James Wilson, esq. in behalf of the owners of the ship Marquis de la Fayette, report,

That it is inexpedient that Congress should give relief to a suitor in the court of appeals, where the circumstance against which relief is prayed, has been occasioned by such suitor or his friend; that in the case of the ship Marquis de la Fayette, the neglect which is sought to be remedied, was owing to Mr. de Valnais, who undertook the management of the interests of its owners and crew: that similar relief would be denied to a citizen of the United States, from a consideration of the great mischief which would arise by excepting particular cases from general laws on such occasions: Whereupon,

*Resolved*, That the memorialist be informed, that Congress are of opinion, that they ought not to give relief against the neglect of the agent for the ship Marquis de la Fayette.

On motion of the committee, appointed to communicate to the minister of France the plan of a convention respecting consular powers,

*Resolved*, That the said plan be re-considered for the purpose of admitting certain amendments.

**THURSDAY, January 24, 1782.**

A letter, of the 23d, from general Washington, was read, accompanied with the proceedings of a general court martial, upon major general Howe; the said proceedings being also read,

*Resolved*, That the sentence of the general court-martial, acquitting major-general R. Howe, with the highest honor, of the charges exhibited against him, be, and hereby is approved and confirmed.

**FRIDAY, January 25, 1782.**

The plan of a convention respecting consular powers being re-considered and amended, was read over, together with instructions to the minister plenipotentiary of these United States respecting it, and the same was agreed to by nine states.

*Resolved*, That it be recommended to the several legislatures of these United States, to provide by law for the establishment of a speedy mode of administering justice between subjects of his most Christian majesty and citizens of the United States: and for vesting persons in the neighbourhood of the sea-coast, with power to secure ship-wrecked property in the most effectual manner.

The committee, consisting of Mr. Ellery, Mr. Randolph, Mr. Law, Mr. N. W. Jones and Mr. Clymer, to whom was re-committed the report of a committee, on sundry letters and papers respecting the district of country, commonly known by the name of the New-Hampshire Grants, delivered in their report; which was taken into consideration and debated.

**MONDAY, January 28, 1782.**

Mr. T. Rodney and Mr. M'Kean, delegates for the state of Delaware, attended, and took their seats.

The committee, consisting of Mr. J. Jones, Mr. Boudinot, Mr. Cornell, to

whom was referred a letter of the 14th inst. from E. Hazard, inspector of dead letters, accompanied with two letters directed to Arthur Lee, esq. made report; Whereupon,

*Resolved*, That Ebenezer Hazard, in transmitting the packet of letters directed to Arthur Lee, esq. to the president of Congress, for the information of this body, hath done his duty:

*Ordered*, That the said packet be referred to the superintendent of finance.

A report of a committee, consisting of Mr. Randolph, Mr. Boudinot, and Mr. Middleton, was taken into consideration; Whereupon,

In order that the president may be relieved from the business with which he is unnecessarily incumbered, that the officers at the head of the several executive departments lately established, may be enabled to execute the duties required of them, and that business may be conducted with regularity and despatch,

*Resolved*, That it shall be the business of the secretary—

1st. To transmit to the superintendent of finance, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution of Congress touching the finances of the United States: to the secretary at war, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution touching his department: to the secretary or agent of marine, or to the person entrusted with the duties of the office of secretary or agent of marine, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution touching his department: and to the secretary for foreign affairs, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution touching his department:

2d. To keep a daily account of all memorials, petitions and communications received by Congress, noting therein their object and the steps taken respecting them; and lay the said account or register every day, on the table of Congress for the inspection of the members.

3d. To return such answers as Congress shall direct to be given to the memorials, petitions and communications, except where Congress shall judge it proper that the same be given by their president, or where it shall be the duty of any of the executive departments to return such answers:

4th. To attend Congress during their sessions, and, in their recess, to attend the committee of the states, to read the public despatches, acts, ordinances and reports of committees, and to make the proper entries in the journals; to authenticate all acts and proceedings not specially directed to be authenticated by their president; and to keep a register of all treaties, conventions and ordinances:

5th. To cause to be made and laid upon the table for every state representing in Congress, a copy of every ordinance or report upon a matter of importance, and not of a secret nature, for the consideration of which a day is assigned:

6th. To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct:

7th. To superintend the printing of the journals and publications ordered by Congress:

8th. To keep a book in which shall be noted in columns, the names of the several members of Congress, the state which they represent, the date of their appointments, the term for which they are appointed, and the date of leave of absence.

*Resolved*, That so much of the act of the 22d of March, 1777, as directs that attested copies of resolutions coming within the purview of this act, be sent to the president, to be transmitted by him, be, and hereby is repealed.



**Resolved,** That the salary of the secretary of the United States in Congress assembled, be 3000 dollars per annum.

The report of the committee respecting the New-Hampshire Grants, was debated and referred to a grand committee.

Congress proceeded to the election of two auditors in the treasury department; and, the ballots being taken, Mr. William Geddes, and Mr. John Dyer Mercier were elected, the former having been nominated by Mr. Hanson, and the latter by Mr. Telfair.

Congress proceeded to the election of a post-master general; and, the ballots being taken, Mr. Ebenezer Hazard was elected, having been previously nominated by Mr. Sherman: Mr. James Bryson was elected assistant or clerk to the post-master general, having been previously nominated by Mr. Clark.

### TUESDAY, January 29, 1782.

A motion having been made yesterday, and a question taken for the choice of a major-general, which passed in the affirmative; and immediately after a motion being made to re-consider the motion passed, which was also determined in the affirmative; the sense of the house is required, whether in this case the original motion and the motion for re-considering, shall be entered on the journal?

On this the yeas and nays being required by Mr. Bee,

<i>N.-Hampshire,</i>	Mr. Livermore,	ay	}	no	<i>Delaware,</i>	Mr. Rodney,	ay	}	no
<i>Massachusetts,</i>	Mr. Patridge,	no			<i>Maryland,</i>	Mr. Hanson,	no		
	Osgood,	no				Carroll,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no	<i>Virginia,</i>	Mr. Jones,	no	}	no
	Cornell,	no				Madison,	no		
<i>Connecticut,</i>	Mr. Law,	ay	}	div.		Randolph,	ay	}	no
	Wolcott,	no			<i>N.-Carolina,</i>	Mr. Hawkins,	ay		
<i>New-York,</i>	Mr. Floyd,	no	}	*	<i>S.-Carolina,</i>	Mr. Middleton,	ay	}	ay
<i>New-Jersey,</i>	Mr. Clark,	no				Bee,	ay		
	Boudinot,	ay	}	no		Motte,	ay	}	ay
	Condict,	no				Eveleigh,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no	<i>Georgia,</i>	Mr. N. W. Jones,	ay	}	no
	Atlee,	ay							
	Clymer,	no							

So it passed in the negative.

On the report of a committee, consisting of Mr. Floyd, Mr. Cornell and Mr. Middleton, to whom was referred a memorial of John Edgar, stating the losses he has suffered for his attachment to the cause of the United States, and praying for a compensation:

**Ordered,** That the memorial be filed for consideration at some future day, when matters of a similar nature may be provided for.

### FRIDAY, February 1, 1782.

An ordinance reported by a committee, consisting of Mr. Randolph, Mr. Ellery and Mr. Law, containing instructions to the captains of armed vessels, was read a first time, and Monday next assigned for the second reading.

### MONDAY, February 4, 1782.

The ordinance containing instructions to the captains of armed vessels, was taken up for a second reading, and was debated by paragraphs:

The same was continued on Tuesday, and the paragraph relating to prisoners was re-committed, and the further consideration of the ordinance postponed.

### THURSDAY, February 7, 1782.

The committee, consisting of Mr. Livermore, Mr. Osgood, Mr. Ellery, Mr. Law, Mr. Floyd, Mr. Clark, Mr. Clymer, Mr. Carroll, Mr. J. Jones, Mr.

Hawkins, Mr. Eveleigh and Mr. Telfair, to whom was referred a report of the superintendent of finance touching the settlement of public accounts, having delivered in a report, the same was taken into consideration, and, after debate, re-committed.

**FRIDAY, February 8, 1782.**

The secretary for foreign affairs, to whom were referred sundry communications from the hon. the minister plenipotentiary of France, delivered in a report, part of which was agreed to, and the remainder referred to a committee.

**MONDAY, February 11, 1782.**

On a report of a committee, consisting of Mr. Clymer, Mr. Osgood and Mr. Madison, to whom was referred a letter of February 1st, from the superintendent of finance, Congress came to the following resolution:

Whereas the traders capitulants at York-town in Virginia, by the ninth article of the capitulation, are allowed to dispose of and remove their effects; and having in consequence thereof made sale of their said effects, and being thereby empowered to receive and carry off the monies arising therefrom, have applied for permission to export tobacco to the amount thereof:

*Resolved*, That the secretary of Congress be, and hereby is empowered to grant letters of passport and safe conduct for the exportation of such tobacco to New-York, on the conditions and under the limitations which shall, to the said secretary and to the superintendent of the finances of the United States, appear most proper and beneficial to the said states, being consistent with the said capitulation: provided always, that permission be not given for the exporting of tobacco, beyond the amount of the produce of the sales of the said goods belonging to the capitulants abovementioned.

On a report of a committee, consisting of Mr. Clymer, Mr. Osgood and Mr. Madison, to whom was referred a letter of January 30th, from the commander in chief,

*Resolved*, That the clothier-general be, and he is hereby directed to agree for and purchase of the state of Massachusetts, all such clothing as may have been or shall be provided by that state, before the opening of the ensuing campaign; and that he take charge of the said clothing; and that the amount thereof be passed by the United States to the credit of the said state on the requisitions previous to the 30th day of October, 1781.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot and Mr. T. Smith, to whom was referred a memorial of James Wilson, in behalf of David Gardner, Nathaniel Fanning, Jeremiah Wells, Selah Havens, James M'Clure and Nathan Woodhull, praying for reasons therein specially set forth, that their appeal against the sentence of the courts of admiralty in the state of Connecticut, may be received:

*Resolved*, That the court of appeals be, and hereby is authorized to hear the parties on the subject of the said memorial, and to do what shall thereupon appear to the said court just and right, the act of the 24th day of May, 1780, notwithstanding.

**WEDNESDAY, February 13, 1782.**

On the report of a committee, consisting of Mr. M'Kean, Mr. Boudinot and Mr. Livermore, to whom was referred a report of a committee on a letter of the 22d of August, 1781, from Perez Morton to Mr. Lovell:

*Resolved*, That Michael Hillegas, esq. treasurer of the United States of America, be, and hereby is directed to execute a letter of attorney, authorizing Perez Morton, at his own risk and expense, to sue and prosecute the obligation executed by John Ravel, mariner, captain or commander of the private sloop of war the Morning Star, Nathaniel Silsbee, merchant, his sure-

ty, for the use of the United States; and upon recovering or receiving the penalty thereof, to pay the same, after deducting the necessary charges, into the treasury of the United States, subject to the distribution of Congress, amongst the parties aggrieved at that time by the malversation of the said John Ravel, according to the injuries they may respectively have received; and that the overplus (if any) be retained for the use of the said John Ravel or his said surety.

On a report of a committee, consisting of Mr. Cornell, Mr. Eveleigh and Mr. J. Jones, to whom was referred a letter of 21st of January last, from the governor of Virginia, with the copy of a letter of the 27th of December, 1781, from major-general Greene to the said governor,

*Ordered*, That the superintendent of finance take immediate measures for supplying the army under the command of major-general Greene, with salt and rum, and for furnishing such equipments and other supplies as may be necessary for expediting the march of such troops as the commander in chief may order to the support of the southern states.

*Resolved*, That it be earnestly recommended to the executive authority of the state of Virginia, to take decisive and effectual measures to furnish the men and beef required by general Greene in his letter of the 27th of December last.

The consideration of the ordinance containing instructions to captains of private armed vessels, was resumed, and after debate,

*Ordered*, That it be re-committed, and that the committee confer with the agent of marine.

#### THURSDAY, *February* 14, 1782.

Mr. M<sup>c</sup>Kean, a delegate for the state of Delaware, attended, and produced credentials of the delegates of that state; whereby it appears, that on the second of this month, the hon. Thomas M<sup>c</sup>Kean, Philemon Dickinson, Caesar Rodney, and Samuel Wharton, esqrs. were elected for the present year.

Mr. J. M. Scott, a delegate for the state of New-York, attended, and took his seat.

On the report of a committee, consisting of Mr. Randolph, Mr. Bee and Mr. Osgood, appointed to report on the mode of propounding questions,

*Resolved*, That whensoever a motion is made for striking out one or more words in order that something may be inserted in its stead, the debate shall turn upon the propriety of the proposed insertion, and the question shall be "Shall the proposed amendment be made?" That whensoever a motion is made for striking out one or more words, but no proposition is made to insert any thing else, the question shall be upon the words proposed to be struck out, in the following manner, "Shall these words stand?"

A letter, of January 3d, from Charles Fleming, who was on the 7th of October, 1780, appointed on the part of the United States, one of the persons to endorse the bills emitted by Virginia, pursuant to the act of the 18th of March, 1780, was read, informing that it is inconvenient for him to continue in the business, and resigning that appointment.

#### MONDAY, *February* 18, 1782.

On the report of a committee, consisting of Mr. Boudinot, Mr. Cornell and Mr. Osgood, to whom was referred a motion of Mr. Boudinot, to empower the commander in chief to negotiate a cartel or cartels with the enemy for safe keeping, exchanging and better treating of prisoners of war:

*Resolved*, That the commander in chief be, and he is hereby authorized to negotiate a cartel or cartels, either general or special, with the enemy; stipulating for the subsistence, safe keeping, exchanging, liberating, and better treating of all prisoners of war, whether of land or sea, in such manner,

and on such terms as he shall judge expedient and beneficial for the United States: to take such measures for the liberation of citizens who have been captured not in arms, as may seem expedient; or to negotiate any separate treaty concerning such citizens, for the mutual prevention of any future captures: provided such cartel, cartels and agreement, establish rules for the similar treatment of prisoners of war and citizens captured by either power in all cases whatsoever.

That the commander in chief be also empowered to take measures for settling all past accounts respecting prisoners, and that all former resolutions relative to the exchange of prisoners by the commander in chief be repealed.

### TUESDAY, February 19, 1782.

Mr. Arthur Lee, a delegate for the commonwealth of Virginia, attended and produced credentials, by which it appears that on the twenty-eighth day of December last, he was appointed to continue until the first Monday in November next.

A letter, of the 15th, from major-general R. Howe, was read, requesting that the proceedings of the general court martial on his trial, be printed by Congress.

On the question to agree to this request, the yeas and nays being required by Mr. Middleton,

<i>N.-Hampshire,</i>	Mr. Livermore,	ay	}	*	<i>Maryland,</i>	Mr. Hanson,	ay	}	div.
<i>Massachusetts,</i>	Mr. Patridge,	no							
	Osgood,	no	}	no	<i>Virginia,</i>	Mr. J. Jones,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	ay							
	Cornell,	no	}	div.		Randolph,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay							
	Wolcott,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Hawkins,	ay	}	*
<i>New-York,</i>	Mr. Scott,	ay					<i>S.-Carolina,</i>		
	Floyd,	ay	}	ay		Bee,	ay	}	ay
<i>New-Jersey,</i>	Mr. Clark,	no							
	Boudinot,	ay	}	no	<i>Georgia,</i>	Mr. Telfair,	ay	}	ay
	Condict,	no							
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	div.					
	Atlee,	ay							

So the question was lost.

A motion was then made by the delegates of Georgia,

"That the delegates of Georgia be furnished with a certified copy of the proceedings of the court-martial on the trial of major-general Howe.

A motion was made by Mr. Patridge, seconded by Mr. Cornell,

"That the consideration of that motion be postponed."

On the question for postponing, the yeas and nays being required by Mr. N. W. Jones,

<i>N.-Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
<i>Massachusetts,</i>	Mr. Patridge,	ay							
	Osgood,	ay	}	ay	<i>Virginia,</i>	Mr. J. Jones,	ay	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	ay							
	Cornell,	ay	}	ay		Randolph,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay							
	Wolcott,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Hawkins,	no	}	*
<i>New-York,</i>	Mr. Scott,	ay					<i>S.-Carolina,</i>		
	Floyd,	no	}	div.		Bee,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	ay							
	Boudinot,	ay	}	ay	<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Condict,	ay							
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay					
	T. Smith,	ay							
	Atlee,	no	}						

So the question was lost.

After further debate, the previous question was moved by the state of Rhode-Island, seconded by the state of Pennsylvania, and on the question, the previous question was determined in the affirmative, and the main question set aside.

On motion of Mr. Randolph, seconded by Mr. Madison,

*Ordered*, That the proceedings of Congress, approving the sentence of the court-martial on the trial of major-general Howe, be published.

The committee, consisting of Mr. Cornell, Mr. Montgomery, and Mr. Clark, to whom was referred a memorial of John Durham Alvey, made report; Whereupon,

*Resolved*, That John Durham Alvey, post-master to the main army, be allowed for his past services to this day, the sum of 40 dollars per month, in full of all allowances; and that the post-master general settle his accounts accordingly:

That the post-master general take order for procuring and appointing a suitable person, on the best terms he can, to serve as post-master to the main army, and report to Congress.

The committee, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Law, Mr. Floyd, Mr. Boudinot, Mr. Clymer, Mr. Rodney, Mr. Carroll, Mr. Randolph, Mr. Hawkins, Mr. Middleton, Mr. Telfair, to whom was referred the report of a committee on sundry papers relative to the people inhabiting the district of country known by the name of the New-Hampshire Grants, together with a representation of Seth Smith, and a letter of the 20th of January, from Jonas Fay and Ira Allen, having delivered in a report, the same was taken into consideration, and some time spent thereon.

### WEDNESDAY, *February* 20, 1782.

The committee, consisting of Mr. Clark, Mr. Cornell, Mr. M'Kean, to whom were referred the report of the secretary at war, on a petition of Dr. Hagan, and the memorials of Dr. Jackson, Dr. Williams, Dr. Eaker, and Dr. Frinke, delivered in a report; Whereupon,

*Resolved*, That the comptroller be, and he is hereby, authorized and directed to adjust the accounts of all the officers of the late general hospital for pay and subsistence, up to the time the arrangement took place in September, 1780, or for so much of the preceding time as they continued in service, upon their producing proper documents of the time of their respective services.

*Resolved*, That it be, and hereby is, recommended to the legislatures of the several states, to settle and discharge on account of the United States, the depreciation of pay of such officers in the late general hospital as are inhabitants of, or belonging to their respective states, who resigned their appointments after the 10th day of April, 1780, or became supernumerary by the new arrangement in September, 1780.

*Resolved*, That the comptroller be, and he is hereby, authorized and directed to settle the depreciation of pay of officers in the late general hospital, who resigned or became supernumerary as aforesaid, and who do not belong to any particular state, in the same manner as hath been provided for the officers of the late col. Hazen's regiment.

*Ordered*, That the account of Dr. Frinke, for taking care of the sick and wounded in the retreat from Ticonderoga, in 1777, and for furnishing supplies for the same, be returned to Dr. Frinke, and the settlement suspended, until authentic vouchers shall be produced respecting such services and expenditures.

The committee, consisting of Mr. Clymer, Mr. Livermore, Mr. Osgood, Mr. Ellery, Mr. Law, Mr. Floyd, Mr. Clark, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Eveleigh, and Mr. Telfair, to whom was referred the report



of a committee on a letter from the superintendent of finance, and a plan for the settlement of public accounts, delivered in a report, which was taken into consideration ; and thereupon, Congress agreed to the following resolutions :

Whereas it is become indispensably necessary to settle and adjust, and finally to determine the proportions to be borne by the several states of the expenses of the war, from the commencement thereof until the 1st day of January, 1782, except the moneys loaned :

And whereas, from the present situation of some of the states, the rule for fixing such proportions agreeably to the articles of confederation, to wit, a valuation of lands, buildings, and improvements, cannot, with any degree of certainty, be proceeded on ; and as, from a consideration of the states having been variously affected by the war, the said rule, upon a valuation hereafter to be taken, might not, if strictly adhered to, without proper allowances for particular circumstances, produce the equal justice so desirable in this important object.

In order, therefore, that the aforesaid expenses may be proportioned in a speedy and equitable manner,

*Resolved*, That it be earnestly recommended to the several legislatures of the respective states, without delay, to authorize and empower the United States in Congress assembled, in the final settlement of the proportions to be borne by each state, of the general expenses of the war, from the commencement thereof until the first day of January, 1782, except the moneys loaned to the United States,) for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the third day of February, 1781,) to assume and adopt such principles as, from the particular circumstances of the several states, at different periods, may appear just and equitable, without being wholly confined to the rule laid down in the eighth article of the confederation, in cases where the same cannot be applied without manifest injustice :

That it be recommended to the states respectively to obtain and transmit to Congress, as soon as may be, all such documents and information as they may judge most proper, to assist the judgment of Congress in forming just estimates of the value and abilities of each state at the close of every year within the aforesaid term, in order to settle the proportions before mentioned.

*Resolved*, That upon settling the annual proportions of the several states, of the expenses of the war, up to the first day of January, 1782, where any of the states have exceeded their proportions, an interest of six per centum per annum shall be allowed thereon, and a deduction equal thereto made in the future annual proportions of those states ; and where any states shall appear to have been deficient in advancing their proportions, a like interest shall be charged thereon, and such deficiency charged in the future proportions of such states.

And whereas it is necessary to make a settlement of all accounts between the United States and each particular state, and the creditors of the United States within the same,

*Resolved*, That a commissioner for each state, for the purposes hereinafter expressed, be appointed as follows : he shall be nominated by the superintendent of the finances of the United States, and approved of by the legislature or the executive of the particular state for which he shall have been nominated ; and upon the death, refusal, or inability to act, of such commissioner, another person to supply his place shall be nominated by the superintendent of the finances, and approved of by the executive or the delegates attending in Congress of the state for which he shall be nominated, as the legislature of the state shall direct ; that the said commissioner so appointed shall have full power and authority finally to settle the accounts between the state for which he shall have been nominated, and the United States ; that

all accounts of moneys advanced, supplies furnished, or services performed, between the United States and a particular state, shall be estimated according to the table of depreciation framed by the board of treasury on the 29th day of July, 1780, in consequence of the resolution of the 28th day of June preceding, to the time the same is extended: provided always, that specific supplies, furnished pursuant to requisitions of Congress, shall be settled agreeably to the prices mentioned in such requisitions; that he be also fully empowered and directed to liquidate and settle, in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States by individuals for supplies furnished the army, the transportation thereof and contingent expenses thereon, within the said state, according to the principles of equity and good conscience, in all cases which are not or shall not be provided for by Congress:

That the said commissioner, in the various branches of duty herein directed, shall in such matters of form as regard merely the stating of his accounts, proceed agreeably to rules to be prescribed to him by the comptroller of the treasury; but in all other matters and things concerning the settlement with individual states, according to such modes and principles as Congress have directed or shall direct:

That each of the said commissioners be allowed a salary of 1500 dollars per annum, and that he appoint his necessary clerks, with the salary of 500 dollars per annum each, for the time they shall severally be employed in this service, which shall be in full for all services and expenses.

That the said commissioners respectively give public and early notices of the times and places of their settling, and the districts within which they settle accounts, that as well the public officers as the private individuals may have an opportunity to attend:

That each commissioner, before he enter upon the business for which he is appointed, shall take the following oath:

"I, A. B. do solemnly swear that I will truly and faithfully execute the office of commissioner to which I am appointed, according to my best skill and judgment, without favor or affection. So help me God."

That each clerk at his appointment shall also take an oath truly and faithfully to execute the duties of his office according to the best of his skill and understanding; and that certificates of these oaths be filed in the secretary's office of the state.

And it is hereby further recommended to the several legislatures of the respective states, to grant the commissioner, by a law to be enacted for that purpose, a power to call witnesses and examine them upon oath or affirmation, touching such claims and accounts as shall be produced for liquidation and settlement.

#### THURSDAY, *February 21, 1782.*

On the report of a committee of the states, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Wolcott, Mr. Floyd, Mr. Clark, Mr. Clevmer, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Middleton, Mr. Telfair, to whom was referred a letter of the 15th of January, from the superintendent of finance, touching the establishment of the mint;

*Resolved*, That Congress approve of the establishment of a mint; and, that the superintendent of finance be, and hereby is directed to prepare and report to Congress a plan for establishing and conducting the same.

#### FRIDAY, *February 22, 1782.*

Mr. Philemon Dickinson, a delegate for the state of Delaware, attended and took his seat.

On the report of a committee, consisting of Mr. Ellegay, Mr. Randolph,

and Mr. Eveleigh, to whom was referred a letter of the 25th of January from the secretary for foreign affairs, respecting his department,

*Resolved*, That the department of foreign affairs be under the direction of such officer, as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be stiled, "secretary to the United States of America, for the department of foreign affairs;" shall reside where Congress or a committee of the states shall sit, and hold his office during the pleasure of Congress:

That the books, records and other papers of the United States, that relate to this department, be committed to his custody, to which and all other papers of his office, any member of Congress shall have access: provided that no copy shall be taken of matters of a secret nature without the special leave of Congress:

That the correspondence and communications with the ministers, consuls and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: provided always, that letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted:

That the secretary for the department of foreign affairs correspond with the governors or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States, stating complaints that may have been urged against the government of any of the said states, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such state, or the charge proved to be groundless, and the honor of the government vindicated:

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject, and if he conceives it necessary, accompany such memorial with his report thereon: he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions:

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary:

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction, he may at all times attend upon Congress, and shall particularly attend when summoned or ordered by the president:

He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member and no objection be made by Congress: he shall answer to such enquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the president at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the secretary, be delivered by him in writing:

He shall have free access to the papers and records of the United States, in the custody of their secretary, or in the offices of finance and war or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary:

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States:

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded.

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts, may govern themselves thereby in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or if necessary, more clerks, to assist him in the business of his office.

*Resolved*, That the salaries annexed to this department shall be as follows:

To the secretary of the United States for the department of foreign affairs, the sum of 4000 dollars per annum, exclusive of office expenses, to commence from the 1st day of October last: to the secretary 1000 dollars per annum: to the clerks each 500 dollars per annum.

*Resolved*, That the secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before a judge of the state where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States before they enter upon office.

*Resolved*, That the act of the 10th day of January, 1781, respecting the department of foreign affairs, be, and hereby is repealed.

SATURDAY, February 23, 1782.

On motion of Mr. Boudinot, seconded by Mr. Clark,

*Ordered*, That the resolution of the 19th, respecting the pay of John Durham Alvey, be re-considered:

*Resolved*, That John Durham Alvey, post-master to the main army, be allowed for his past services to this day, the sum of 40 dollars per month in full of all allowances, except the rations of forage and provisions received by him; and that the post-master general settle his accounts accordingly.

On the report of the secretary for foreign affairs, to whom was referred a letter of the 6th of October, 1781, from Robert Smith, agent at the Havanna, so far as relates to the sending blank commissions to be filled up by him for the purpose of commissioning with letters of marque or general reprisals, such vessels sailing from the Havanna as might require the same:

*Resolved*, That the secretary for foreign affairs be, and hereby is directed to inform Robert Smith, that the United States in Congress assembled, do not at present think it expedient that he issue any letters of marque or of general reprisals, under their authority.

A committee, consisting of Mr. Boudinot, Mr. Cornell and Mr. Bee, to whom were referred a letter of the 18th and one of the 20th of February, from general Washington, having delivered in a report:

A motion was made by Mr. Middleton, seconded by Mr. Telfair, in the words following:

“ In order to prevent future controversy upon the subject of exchange, that Congress who represent the feelings as well as the sense of the union, do declare that lieutenant-general Charles earl Cornwallis ought not to be exchanged by composition at this time, not from any apprehensions of his influence or superior abilities; but because they look upon him not in the light of a British general, but a barbarian. In proof of their justice for classing him in so degrading a predicament, they appeal to the impartial history of his conduct during his command in the southern and middle states, where his progress may be traced by blood wantonly spilt, by executions unwarranted even by military regulations, and by the indiscriminate plunder of the property and destruction of the habitations of the widow and the orphan, circumstances disgraceful to the arms of any enlightened people: because he has governed himself solely upon the principles of eastern tyranny, has broken the faith of treaty solemnly pledged in the capitulation of Charleston, by ordering the seizure of the property and persons of the captulants, by the confinement of some on board of prison-ships, the transportation of others to St. Augustine, and the banishment of their wives and children: because he has authorized and countenanced the enlistment of upwards of 500 American soldiers into the British service, or rather suffered them to be compelled by cruelties and hard usage to take arms against their country, and in numberless other instances has infringed every rule of war established among civilized nations: that it be also resolved, that unless the honorable Henry Laurens, esq. be enlarged within                      months, upon his parole until exchanged, the commander in chief be directed to recal the said Charles earl Cornwallis: that unless the accounts for the maintenance of prisoners be settled, the arrearages paid up and security given for their future maintenance, the British prisoners be compelled to work for their livelihood, or otherwise disposed of for the public benefit.”

On this the previous question was moved by the state of New-Jersey, and seconded by the state of Pennsylvania: and on the question to agree to the previous question, the yeas and nays being required by Mr. Middleton,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	> *	<i>Pennsylvania</i> , Mr. Montgomery,	ay	~
<i>Massachusetts</i> , Mr. Patridge,	ay	} ay	T. Smith,	ay	} ay
Osgood,	ay		Clymer,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay	Atlee,	ay	
Cornell,	ay		<i>Delaware</i> , Mr. Dickinson,	ay	> *
<i>Connecticut</i> , Mr. Law,	ay	} ay	<i>Maryland</i> , Mr. Hanson,	ay	} ay
Wolcott,	ay		Carroll,	ay	
<i>New-York</i> , Mr. Scott,	no	} div.	<i>Virginia</i> , Mr. Madison,	ay	} ay
Floyd,	ay		Randolph,	ay	
<i>New-Jersey</i> , Mr. Clark,	ay	} ay	Lee,	no	
Boudinot,	ay		<i>S.-Carolina</i> , Mr. Middleton,	no	} no
Condict,	ay		Bee,	no	
			Motte,	no	
			<i>Georgia</i> , Mr. Telfair,	no	} no
			N. W. Jones,	no	

So it passed in the affirmative.

On motion of Mr. Clark, seconded by Mr. Boudinot,

*Resolved*, That the commander in chief be, and he is hereby authorized to agree to the exchange of lieutenant-general earl Cornwallis by composition; provided that the honorable Henry Laurens, esq. be liberated, and proper assurances obtained that all accounts for the support of the convention prisoners and all other prisoners of war, shall be speedily settled and discharged.

MONDAY, February 25, 1782.

Mr. Samuel Wharton, a delegate for the state of Delaware, attended, and took his seat.



On the second reading of an ordinance for amending the ordinance, ascertaining what captures on water shall be lawful; which was reported by a committee consisting of Mr. M'Kean, Mr. Clymer, Mr. Ellery, to whom was referred a memorial of the merchants and traders of Philadelphia:

The following paragraph being under debate, viz.

"That no ship or other vessel which shall have sailed from any port or place in Europe, not belonging to the king of Great-Britain, on or before the — next, for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation, merely for having on board goods, wares, or merchandise of the growth, product, or manufacture of Great-Britain, or of any territory depending thereon."

A motion was made by Mr. Montgomery, seconded by Mr. Patridge, that the blank be filled with the words, "first day of May,"

On which the yeas and nays being required by Mr. Montgomery,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	}	*	<i>Delaware</i> ,	Mr. M'Kean,	ay	}	
<i>Massachusetts</i> , Mr. Patridge,	ay	}			Dickinson,	ay	}	ay
	Osgood,	ay	}		Wharton,	ay	}	
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	*	<i>Maryland</i> ,	Mr. Hanson,	no	}	no
<i>Connecticut</i> , Mr. Law,	no	}			Carroll,	no	}	
	Wolcott,	ay	}	<i>Virginia</i> ,	Mr. J. Jones,	no	}	
<i>New-York</i> , Mr. Scott,	no	}			Madison,	no	}	no
	Floyd,	ay	}		Randolph,	no	}	
<i>New-Jersey</i> , Mr. Clark,	no	}			Lee,	no	}	
	Boudinot,	no	}	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	}	*
	Condict,	no	}	<i>S.-Carolina</i> ,	Mr. Middleton,	no	}	
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}			Motte,	no	}	no
	T. Smith,	no	}		Eveleigh,	ay	}	
	Clymer,	ay	}	<i>Georgia</i> ,	Mr. Telfair,	no	}	*
	Atlee,	ay	}					

So it passed in the negative.

A motion was made by Mr. Ellery, seconded by Mr. Wolcott, that the blank be filled up with the words "fourteenth day of April:"

On which the yeas and nays being required by Mr. Ellery,

<i>Massachusetts</i> , Mr. Patridge,	ay	}	div.	<i>Delaware</i> ,	Mr. M'Kean,	ay	}	
	Osgood,	no	}		Dickinson,	ay	}	ay
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	*		Wharton,	ay	}	
<i>Connecticut</i> , Mr. Law,	no	}		<i>Maryland</i> ,	Mr. Hanson,	ay	}	ay
	Wolcott,	ay	}		Carroll,	ay	}	
<i>New-York</i> , Mr. Scott,	ay	}		<i>Virginia</i> ,	Mr. J. Jones,	no	}	
	Floyd,	ay	}		Madison,	no	}	no
<i>New-Jersey</i> , Mr. Clark,	no	}			Randolph,	no	}	
	Boudinot,	ay	}		Lee,	no	}	
	Condict,	no	}	<i>N.-Carolina</i> ,	Mr. Hawkins,	no	}	*
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}		<i>S.-Carolina</i> ,	Mr. Middleton,	no	}	div.
	T. Smith,	ay	}		Eveleigh,	ay	}	
	Clymer,	ay	}	<i>Georgia</i> ,	Mr. Telfair,	ay	}	*
	Atlee,	ay	}					

So it passed in the negative.

A motion was made by Mr. Randolph, to strike out the following clause in the said ordinance, viz.

"That where vessels, their cargoes or any part thereof belonging to any citizen of these United States, sailing or being within the body of a county, or within any river or arm of the sea, or within cannon shot of the shore, shall be captured by the enemy, and shall be recaptured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy."

And on the question, shall the clause stand? the yeas and nays being required by Mr. M'Kean,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	} div.	<i>Delaware</i> , Mr. Mr. M'Kean,	ay	} ay
<i>Massachusetts</i> , Mr. Patridge,	no		Dickinson,	ay	
Osgood,	ay		Wharton,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} no	<i>Maryland</i> , Mr. Hanson,	ay	} div.
<i>Connecticut</i> , Mr. Law,	no		Carroll,	no	
Wolcott,	no		Mr. J. Jones,	ay	
<i>New-York</i> , Mr. Scott,	no	} no	Madison,	no	} div.
Floyd,	no		Randolph,	no	
<i>New-Jersey</i> , Mr. Clark,	no		Lee,	ay	
Boudinot,	no	} ay	<i>S. Carolina</i> , Mr. Middleton,	ay	} ay
<i>Pennsylvania</i> , Mr. Montgomery,	ay		Motte,	ay	
Clymer,	ay		Eveleigh,	no	
Atlee,	ay	} no	<i>Georgia</i> , Mr. Telfair,	no	} no
			N. W. Jones,	no	

So it passed in the negative.

The second reading being gone through,

*Ordered*, That the ordinance be read a third time to-morrow.

**TUESDAY, February 26, 1782.**

The ordinance being read a third time, was agreed to as follows :

An ordinance for further amending the ordinance ascertaining what captures on water shall be lawful.

Whereas divers ships or vessels belonging to the citizens of several of these United States, may have sailed on voyages to Europe, before the publication of the ordinance, entitled "an ordinance ascertaining what captures on water shall be lawful," where they, as well as vessels belonging to the subjects of neutral powers, may have laden and taken on board in promiscuous cargoes, goods, wares, and merchandises, of the growth, product, or manufacture of Great-Britain, or of some of the dominions or territories thereon depending, without any knowledge of the said ordinance, and may not be able to arrive in any of the ports of these states, on or before the first day of March next; whereby the said goods may become liable to capture and condemnation.

For remedy whereof, it is hereby ordained by the United States in Congress assembled, that no ship or other vessel, which shall have sailed from any port or place in Europe, not belonging to the king of Great-Britain, on or before the 10th day of April next, for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation, merely for having on board goods, wares, or other merchandises of the growth, product or manufacture of Great-Britain, or of any territory depending thereon.

And it is hereby further ordained, that where vessels, their cargoes, or any part thereof, belonging to any citizen of these United States, sailing or being within the body of a county, or within any river or arm of the sea, or within cannon shot of the shore of any of these states, and laden with the produce of the country, and destined for a port or place within these states, not in possession of the enemy, shall be captured by the enemy, and shall be recaptured below high water mark, by another citizen thereof, restitution shall be made to the former owner, upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy.

And be it further ordained, that so much of the aforesaid ordinance as comes within the purview of this, be and hereby is repealed.

Done by the United States in Congress assembled, &c. &c.

**WEDNESDAY, February 27, 1782.**

A letter, of the 23d, from the secretary for foreign affairs, was taken into consideration; and thereupon,

*Resolved*, That the secretary of the United States of America for the department of foreign affairs, be, and he is hereby, empowered to settle the wages of the two persons who have hitherto been employed as secretaries or clerks in his office, for the time they have served, at the rate of 750 dollar per annum each.

*Ordered*, That the remainder of the letter, touching the appointment of two under secretaries, instead of a secretary, be committed.

On the report of a committee, consisting of Mr. Randolph, Mr. Lovell, Mr. Montgomery, to whom was referred a letter of the 22d of November last, from the secretary for foreign affairs, relative to Mr. John Temple:

*Resolved*, That the president inform the governor and council of the commonwealth of Massachusetts, that matters of public concern, and the pressing necessity of making provision for the ensuing campaign, have hitherto prevented Congress from attending to a subject which, though it respects an individual, may have an influence on the public affairs of these United States.

The suspicions and jealousies excited by Mr. John Temple's return to America in 1778, and the reports currently circulated in England relative to his mission, are notorious. The time and manner of his coming to America, as well as the person accompanying him, who is now resident in and a subject of Great-Britain, gave great force to the suspicions then raised. These suspicions, instead of being allayed, were increased by Mr. Temple's return to England, and by the rumours and publications respecting his intercourse and conference with the British ministry. His coming again to America without explaining his views, and as far as is come to the knowledge of Congress, without any leave previously obtained, and this at the very time when the enemy entertained the fond hope of having subdued the southern states, cannot fail to excite new jealousies, and a suspicion of his being employed as an emissary from the British crown.

That the president further inform the governor and council of Massachusetts, that although Mr. Temple was the bearer of some letters from the hon. John Adams at Amsterdam, yet the subject of the letters with which he was entrusted, and of those which Mr. Adams chose to send at the same time by another conveyance, sufficiently evince that he had not the full confidence of that minister, and that the letter which Mr. Adams took the trouble of writing respecting Mr. Temple, did in no wise account for his past conduct, or explain his future views or designs. And therefore, as the United States ought to be on their guard, as well against the secret arts as open force of their subtle and inveterate enemy, that it is the wish of Congress that the executive of Massachusetts would enquire strictly into the conduct, views, and designs of Mr. John Temple, and if they are not fully convinced of the uprightness of his intentions, or if they have any apprehensions that he has, in his visits to America, been countenanced or employed by, or has acted in concert with the British ministry or their agents, that they take such measures respecting him as may put it out of his power to injure the cause of these United States.

On the report of a committee, consisting of Mr. Cornell, Mr. Montgomery and Mr. Madison, to whom was referred a letter of the 18th from the superintendent of finance:

*Resolved*, That five commissioners be appointed for the settlement of accounts under the direction of the superintendent of the finances, namely, one for the quarter-master's department, one for the commissary's department, one for the hospital department, one for the clothier's department, and one for the marine department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively assigned to them, up to the last day of December, 1781, inclusive:

That the superintendent of finance be, and he is hereby authorized and directed to appoint the said five commissioners; and that he report the names of the same to Congress, in order that they may disapprove such appointment if they shall think proper:

That each of the said commissioners be allowed one clerk for his assistance in the execution of his trust, and in case more should be found necessary, that he be authorized to add such number as the superintendent of finance shall approve:

That a salary be allowed to each of the said commissioners, at the rate of 1500 dollars per annum, during the time in which he shall be employed in the duties assigned to him; and that each clerk be allowed a salary, at the rate of 500 dollars per annum during the time of his service, to be in full to each of them for their services and expenses:

That it be recommended to the several legislatures of the states, to empower the said commissioners to call for witnesses and examine them on oath or affirmation touching such accounts as are respectively assigned to them for settlement; and that it be also recommended to the said legislatures, to make provision by law for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

FRIDAY, *March 1, 1782.*

On the report of a committee, consisting of Mr. Dickinson, Mr. Carroll, Mr. Patridge, to whom was referred a letter of the 27th of February from the secretary for foreign affairs:

*Resolved*, That so much of the resolutions of the 22d of February last, as authorizes the secretary for foreign affairs to appoint a secretary, and annexes to that office the salary of 1000 dollars per annum, be, and hereby is repealed; and that the secretary for foreign affairs be, and he is hereby empowered to appoint, until the further order of Congress, two under secretaries; and that the first under secretary be allowed 800 dollars per annum, and the second under secretary 700 dollars per annum.

The grand committee, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Law, Mr. Floyd, Mr. Boudinot, Mr. Clymer, Mr. Rodney, Mr. Carroll, Mr. Randolph, Mr. Hawkins, Mr. Middleton and Mr. Telfair, to whom was re-committed their report on sundry papers respecting the inhabitants of a district of country known by the name of the New-Hampshire Grants, together with a representation of Seth Smith, and a letter of the 30th of January from Jonas Fay and Ira Allen, having delivered in a report, and the following paragraph being under consideration, viz.

“That in case the inhabitants residing within the limits aforesaid, within one calendar month from the delivery of a certified copy of these resolutions by the commissioner herein after mentioned, to Thomas Chittenden, esq. of the town of Bennington, within the limits aforesaid, or from the time of the said commissioner's leaving such certified copy at the usual place of residence of the said Thomas Chittenden, esq. shall by some authenticated act recognize the last above described boundaries to be the limits and extent of their claim, both of jurisdiction and territory, and shall accede to the articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, as agreed to in Congress on the 15th day of November, 1777; and shall thereupon appoint delegates in their behalf, with full powers, instructions and positive orders immediately to repair to Congress, and to sign the said articles of confederation, and afterwards to represent them in the United States in Congress assembled, their said delegates shall be admitted to sign the same, and thereupon the

inhabitants of the above described district shall be acknowledged a free sovereign and independent state, and shall be considered as a component part of the federal union, and entitled to the advantages thereof."

A motion was made by Mr. Wolcott, seconded by Mr. Ellery, to strike out the words between the words "inhabitants residing within," and the word "accede;" and in lieu thereof to insert "or belonging to the territory commonly known by the name of the New-Hampshire Grants, or by whatever name it may be called, west of Connecticut river, and to the eastward of the boundary conditionally guaranteed by the resolution of the 20th of August last, in favour of the state of New-York."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Wolcott,

<i>N. Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Delaware,</i>	Mr. M'Kean,	no	}	no		
<i>Massachusetts,</i>	Mr. Patridge,	ay			}	ay				Dickinson,	no
	Osgood,	ay						Wharton,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay	<i>Maryland,</i>	Mr. Hanson	no	}	no		
	Cornell,	ay								Carroll,	no
<i>Connecticut,</i>	Mr. Law,	ay	}	ay	<i>Virginia,</i>	Mr. J. Jones,	no	}	no		
	Wolcott,	ay								Madison,	no
<i>New-York,</i>	Mr. Scott,	no	}	no		Randolph,	no	}	no		
	Floyd,	no								Lee,	no
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Hawkins,	no	}	no		
	Boudinot,	ay					<i>S.-Carolina,</i>			Mr. Middleton,	no
	Condict,	no				Motte,	no				
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no	<i>Georgia,</i>	Mr. Telfair,	no	}	no		
	T. Smith,	no								N. W. Jones,	no
	Atlee,	no									

So it passed in the negative.

A motion was then made by Mr. Scott, seconded by Mr. Floyd, to strike out the whole resolution. And on the question, shall the resolution stand: the yeas and nays being required by Mr. Floyd,

<i>N.-Hampshire,</i>	Mr. Livermore,	no	}	*	<i>Delaware,</i>	Mr. M'Kean,	ay	}	ay		
<i>Massachusetts,</i>	Mr. Patridge,	ay			}	ay				Dickinson,	ay
	Osgood,	ay						Wharton,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay	<i>Maryland,</i>	Mr. Hanson,	ay	}	ay		
	Cornell,	ay								Carroll,	ay
<i>Connecticut,</i>	Mr. Law,	ay	}	div.	<i>Virginia,</i>	Mr. J. Jones,	no	}	no		
	Wolcott,	no								Madison,	no
<i>New-York,</i>	Mr. Scott,	no	}	no		Randolph,	no	}	no		
	Floyd,	no								Lee,	no
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay	<i>N.-Carolina,</i>	Mr. Hawkins,	no	}	no		
	Boudinot,	ay					<i>S.-Carolina,</i>			Mr. Middleton,	no
	Condict,	ay				Motte,	no				
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay	<i>Georgia,</i>	Mr. Telfair,	no	}	no		
	T. Smith,	ay								N. W. Jones,	no
	Atlee,	no									

So the question was lost.

A motion was then made by Mr. Clark, seconded by Mr. Atlee, that the rest of the report be committed; which is as follows:

Congress having resolved on the 7th day of August last, that in case they should recognize the independence of the people of Vermont, they would consider all the lands belonging to New-Hampshire and New-York, respectively, lying without the limits of Vermont, aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation; and that the United States will accordingly guarantee such lands and the jurisdiction over the same, against any claim or encroachments from the inhabitants of Vermont aforesaid; and Congress having, on the 20th day of the same month, required as an indispensable preliminary to their recognition of the independence of the people inhabiting the territory aforesaid, and their admission into the federal union, the explicit relinquishment of all de-



mands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the north-west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river so far as the said river runs north-easterly in its general course; thence by the west bounds of the townships, granted by the late government of New-Hampshire, to the river running from Southbay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain to the latitude of forty-five degrees north, excepting a neck of land between Missiskoy-Bay and the waters of Lake Champlain. And the people inhabiting the territory aforesaid, not having as yet made the relinquishment aforesaid as above required, and attempting since the date of the above resolutions to extend and establish their jurisdiction over part of the lands guaranteed to the states of New-York and New-Hampshire aforesaid; and it being indispensably necessary to bring all disputes respecting the jurisdiction of the people residing within the territory aforesaid to a speedy issue:

*Resolved*, That the district of territory, commonly known by the name of the New-Hampshire Grants, by whatsoever name it may be called, is and shall be bounded westward by a line beginning at the north-west corner of the state of Massachusetts; thence running northward twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course; thence to the west boundary line of the townships granted by the late government of New-Hampshire; thence northward along the said west boundary line, to the river running from Southbay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain to latitude forty-five degrees north, including a neck of land between the Missiskoy-Bay and the waters of Lake Champlain; thence it shall be bounded north by latitude forty-five degrees north, and eastward by the west bank of Connecticut river, from forty-five degrees north to the northern boundary line of the state of Massachusetts, and southward by the said northern boundary of the state of Massachusetts from the said west bank of Connecticut river, to the north-west corner of Massachusetts above mentioned.

*Resolved*, [Here followed the resolution which was struck out.]

*Resolved*, That in case the said inhabitants, within the above-described district, do not desist from attempting to exercise the jurisdiction over the lands guaranteed to New-Hampshire and New-York as aforesaid, and shall not, within the time limited as aforesaid, comply with the terms specified in the foregoing resolutions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States, and that all the pretensions and applications of the said inhabitants, heretofore made for admission into the federal union, were fallacious and delusive; and that thereupon the forces of these states shall be employed against the said inhabitants within the district aforesaid, and Congress will consider all the lands within the said territory to the eastward of a line drawn along the summit of a ridge of mountains or heights of land, extending from south to north, throughout the said territory, between Connecticut river on the east, and Hudson's river and Lake Champlain on the west, as guaranteed to New-Hampshire under the articles of confederation, and all the lands within the said territory to the westward of the said line as guaranteed to New-York under the articles of confederation: provided always, that Congress will consider any other partition, which shall, hereafter, by an agreement between the legislatures of New-Hampshire and New-York, be made between their respective states, concerning the territory aforesaid, as guaranteed to them according to such agreement, saving, in either case, all rights accruing to the state of Massachusetts, or any other state under the articles of confederation aforesaid: and provided always, that for the more effectually

quieting the minds of the inhabitants aforesaid, the said states of New-Hampshire and New-York respectively, shall pass acts of indemnity and oblivion, in favour of all such persons as have at any time previous to the passing of such acts, acted under the authority of Vermont so called, in any manner whatsoever. upon such persons submitting to the jurisdiction of the said states respectively: and provided always, that the said states of New-York and New-Hampshire, respectively, do pass acts confirming and establishing the titles of all persons whatever, to such lands as they do now actually occupy and possess within the limits of the district aforesaid, under whatever title the same may be held, either from New-York, New-Hampshire or Vermont so called: and also for confirming and establishing the titles of all persons whatever, to such lands within the district aforesaid, as they may be entitled to under grants from New-York, New-Hampshire or Vermont so called, according to the propriety of such grants in point of time, excepting in such cases where the lands are in the actual occupancy and possession of the claimants, as mentioned in the proviso above said. But inasmuch as some persons claiming in right of grants made under the authority of the district or territory called Vermont, and not actually occupying the same, may be deprived thereof by the interference of other prior grants:

*Resolved*, That in case the partition aforesaid shall take place, any person claiming and deprived as aforesaid, his or her assignee, or representative, shall receive full compensation in lands or otherwise, to be provided by Congress.

*Resolved*, That it be, and it is hereby earnestly recommended to the states of New-Hampshire and New-York respectively, to pass acts of oblivion and indemnity, in favor of all such persons, residing without the limits of the district above described, who shall heretofore have taken part with the inhabitants residing within the same, against the governments of either of those states, upon such persons, quietly and peaceably submitting themselves to the government and jurisdiction of such state respectively, to which they belong.

*Resolved*, That in case of the neglect or refusal of the inhabitants residing within the district aforesaid, to comply with the terms prescribed in the resolutions aforesaid, the commander in chief of the armies of these United States, do without delay or further order carry these resolutions as far as they respect his department into full execution.

*Resolved*, That a commissioner be appointed on the part of these United States, whose duty it shall be immediately to repair to the district aforesaid, and deliver a certified copy of these resolutions to Thomas Chittenden, esq. of the town of Bennington aforesaid, or leave such copy at his usual place of residence; and also to enforce on the inhabitants of the said district, the necessity of their complying without delay with the terms above prescribed by Congress, or submitting themselves peaceably to the jurisdiction of the states of New-Hampshire and New-York, agreeably to the above resolutions.

On the question for committing, the yeas and nays being required by Mr. Boudinot,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	ay
<i>Massachusetts</i> , Mr. Osgood,	no			Smith,	ay		
<i>Rhode-Island</i> , Mr. Ellery,	no	}	div.	Atlee,	ay		
	Cornell,						
<i>Connecticut</i> , Mr. Law,	ay	}	ay	<i>Delaware</i> , Mr. M'Kean,	ay	}	ay
	Wolcott,			Dickinson,	ay		
<i>New-York</i> , Mr. Scott,	no	}	no	Wharton,	ay		
	Floyd,						
<i>New-Jersey</i> , Mr. Clark,	ay	}	ay	<i>Maryland</i> , Mr. Hanson,	ay	}	ay
	Boudinot,			Carroll,	ay		
	Condict,						
				<i>Virginia</i> , Mr. Jones,	ay	}	ay
				Madison,	ay		
				Randolph,	ay		
				Lee,	ay	}	no
				<i>N.-Carolina</i> , Mr. Hawkins,	no		

S.-Carolina,	Mr. Middleton,	no	Georgia,	Mr. Telfair,	no	}	no
	Bee,	no		N. W. Jones,	no		
	Motte,	no					
	Eveleigh,	no					

So the question was lost.

**MONDAY, March 4, 1782.**

On a report of a committee, consisting of Mr. Lee, Mr. Scott, and Mr. Bee, to whom was referred a letter of the 27th of February, from the secretary for foreign affairs:

*Resolved*, That the secretary for foreign affairs have permission to be absent from the public service, for the time requested in his letter of the 27th of February last.

**WEDNESDAY, March 6, 1782.**

On a report from the war office, on a memorial of Peter Gansevoort, esq. late a colonel of the New-York line, in the service of the United States:

*Resolved*, That colonel Gansevoort be informed that although Congress have a high sense of his military abilities and courage, particularly displayed in the defence of Fort Schuyler, in 1777, yet it is impracticable with the present arrangement of the army, to reinstate him therein, without manifest injury to other officers, he having been deranged as a junior colonel of that line, and his regiment incorporated agreeably to the principles prescribed in the resolution of Congress of the 3d and 21st of October, 1780.

**THURSDAY, March 7, 1782.**

On report of a committee, consisting of Mr. Lee, Mr. Law and Mr. Scott, to whom were referred two letters from the secretary for foreign affairs, enclosing a memorial from the honorable the minister of France and sundry papers relative to the case of the ship Resolution's cargo, part of which was adjudged lawful prize by the sentence of the court of appeals; and the case of the brig Eersten and her cargo, which was also adjudged lawful prize, by the said court:

*Resolved*, That where sentence hath been or shall be given in the court of appeals, it shall be lawful for any one of the said court in his discretion upon new matter shewn, to stay execution so long as may seem necessary, not exceeding the 1st day of their next session.

**FRIDAY, March 8, 1782.**

On a report of a committee, consisting of Mr. Montgomery, Mr. Cornell and Mr. Motte, to whom was referred a report from the war office, on a memorial of James Elliot:

*Resolved*, That captain James Elliot be, and he is hereby appointed an assistant geographer to the United States, and that his pay be two dollars and one ration per day; and that this allowance be considered in full for all claims that the said captain James Elliot may have on the United States for half pay, or any other emolument after the war, agreeably to his proposal.

*Ordered*, That Mr. Randolph have leave of absence.

**MONDAY, March 11, 1782.**

On a report of a committee, consisting of Mr. Montgomery, Mr. Osgood and Mr. Bee, to whom was referred a letter of the 27th of February, from the post-master general:

*Resolved*, That John Durham Alvey, appointed by the post-master general with the main army, be, and he is hereby entitled to receive from the pay-master general, on a warrant from the commander in chief, the sum of 35 dollars per month for his services, and that he shall also be entitled to one ration per day:

The said committee having reported an ordinance for regulating the post-office, the same was read a first time, and Thursday next was assigned for a second reading.

The committee, consisting of Mr. Lee, Mr. Scott and Mr. Bee, to whom was referred a letter of the 26th of February, from the secretary for foreign affairs, report,

“That the secretary for foreign affairs should be directed to draw up a memorial, on the subject of the prize money due to the officers and crews of the *Bon Homme Richard* and the *Alliance* frigate, in the hands of the sieur le Ray de Chaumont in Paris, and to request of the minister of France to transmit the same with the vouchers to support it, to his court; and obtain the interposition of his court to have immediate justice done to the claimants, by the payment of the prize money into the hands of the consul-general of these United States in France, for the use of and to be distributed among the said officers and crews, agreeably to the rules of the navy of the United States; and that the secretary for foreign affairs do write to the consul of the United States in France, to exert himself in obtaining justice for the claimants.”

On the question, Congress agreed to the said report.

The committee, consisting of Mr. Boudinot, Mr. Wolcott and Mr. Prittridge, to whom was referred a petition of the Stockbridge or River Indians, delivered in a report; Whereupon,

*Ordered*, That the petition of the River or Stockbridge Indians, dated the 28th of February, 1782, presented to Congress by Asa Douglass, their agent, be referred to the legislature of the state of New-York; and that it be recommended to them to hear the said petitioners, and fully enquire into the matters by them stated in their said petition; and that the said legislature do thereon what shall appear to them reasonable and just in the premises.

#### THURSDAY, *March* 14, 1782.

On a report of a committee, consisting of Mr. Randolph, Mr. Clark and Mr. Ellery, to whom was referred a report on a letter of the 4th, from colonel Pickering, quarter-master general:

*Resolved*, That so much of the resolution of the 30th of October, 1780, as continues to major-general Greene the power which had been given to major-gen. Gates by a resolution of the 14th of June, in the same year, of appointing the officers in the quarter-master general's department for the southern army, be repealed.

The resolutions of the 15th of July, 1780, providing for the appointment of one deputy quarter-master only for a separate army, and the southern services requiring an additional one:

*Resolved*, That the quarter-master general be, and he is hereby, authorized to appoint, out of the line of the army, an additional deputy quarter-master for the southern army, who shall be subordinate to and under the command of the other deputy quarter-master for the said army, and whose pay shall be the same with that allowed to the deputy quarter-master by the aforesaid resolutions of the 15th of July, 1780.

*Resolved*, That the principal deputy quarter-master to the southern army be allowed, during actual service, 75 dollars per month, and four rations per day, in addition to his pay and subsistence as an officer in the line, until the further order of Congress.

*Resolved*, That the officer who has conducted the quarter-master general's department in the southern army, since gen. Greene has had the command thereof, be allowed for his past services the same emoluments with those granted to the principal deputy quarter-master in the preceding resolution.

On the question for agreeing to allow the sum of 75 dollars per month to the principal deputy quarter-master to the southern army,

The yeas and nays being required by Mr. Clark,

<i>Massachusetts</i> , Mr. Patridge,	ay	} ay	<i>Delaware</i> ,	Mr. M <sup>c</sup> Kean,	ay	} ay.
	Osgood,			Dickinson,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay		Wharton,	ay	} ay
	Cornell,		<i>Maryland</i> ,	Mr. Hanson,	ay	
<i>Connecticut</i> , Mr. Law,	ay	} ay		Carroll,	ay	} ay
	Wolcott,		<i>Virginia</i> ,	Mr. J. Jones,	ay	
<i>New-York</i> , Mr. Scott,	ay	} ay		Madison,	ay	} ay
	Floyd,			Randolph,	ay	
<i>New-Jersey</i> , Mr. Clark,	no	} no	<i>S.-Carolina</i> ,	Mr. Bee,	ay	} ay
	Boudinot,			Motte,	ay	
	Condict,	no		Eveleigh,	ay	} ay
<i>Pennsylvania</i> , Mr. Montgomery,	ay	} ay	<i>Georgia</i> ,	Mr. Telfair,	ay	
	Clymer,			N. W. Jones,	ay	} ay
	Atlee,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. Clark, seconded by Mr. Condict, to add to the foregoing resolutions as follows :

“ And whereas the business of the quarter-master general being considerably lessened by the present mode of supplying the army in general by contract, and it being at all times proper to establish the pay and emoluments of officers, as near as possible proportioned to their ranks and services :

“ *Resolved*, That for the above reasons, the pay and allowance of the quarter-master general be reduced from 3492 dollars per annum, and rations and all other allowances estimated at 1904 dollars per annum, to the same pay and allowance in future of a major-general.” ;

On this motion the previous question was moved by the state of Connecticut, seconded by the state of Rhode-Island ; and on the question to agree to the previous question, the yeas and nays being required by Mr. Clark,

<i>Massachusetts</i> , Mr. Patridge,	ay	} ay	<i>Delaware</i> ,	Mr. M <sup>c</sup> Kean,	ay	} ay
	Osgood,			Dickinson,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	} ay		Wharton,	ay	} ay
	Cornell,		<i>Maryland</i> ,	Mr. Hanson,	ay	
<i>Connecticut</i> , Mr. Law,	ay	} ay		Carroll,	ay	} ay
	Wolcott,		<i>Virginia</i> ,	Mr. Madison,	ay	
<i>New-York</i> , Mr. Scott,	ay	} ay		Randolph,	ay	} ay
	Floyd,			Lee,	ay	
<i>New-Jersey</i> , Mr. Clark,	no	} no	<i>S.-Carolina</i> ,	Mr. Middleton,	ay	} ay
	Boudinot,			Eveleigh,	ay	
	Condict,	no	<i>Georgia</i> ,	Mr. Telfair,	ay	} ay
<i>Pennsylvania</i> , Mr. Montgomery,	no	} ay		N. W. Jones,	ay	
	T. Smith,					
	Clymer,	ay				
	Atlee,	ay				

So it was resolved in the affirmative.

TUESDAY, March 19, 1782.

The secretary at war, to whom was referred a memorial of lieut. Powers, late of the regiment of artillery artificers, delivered in a report ; Whereupon,

*Ordered*, That the comptroller adjust the account of lieut. Alexander Powers, late of the regiment of artillery artificers, for pay up to the 31st of May last, it appearing from a certificate of the commanding officer of the regiment, that he did duty therein, and was not officially notified of his dismissal from the service until that time.

On a report of a committee, consisting of Mr. Montgomery, Mr. Wolcott, and Mr. Scott, appointed to prepare a recommendation to the several states, to set apart a day of humiliation, fasting, and prayer :

Congress agreed to the following proclamation :



The goodness of the Supreme Being to all his rational creatures, demands their acknowledgments of gratitude and love; his absolute government of this world dictates, that it is the interest of every nation and people ardently to supplicate his favor and implore his protection.

When the lust of dominion or lawless ambition excites arbitrary power to invade the rights, or endeavor to wrest from a people their sacred and invaluable privileges, and compels them, in defence of the same, to encounter all the horrors and calamities of a bloody and vindictive war; then is that people loudly called upon to fly unto that God for protection, who hears the cries of the distressed, and will not turn a deaf ear to the supplication of the oppressed.

Great-Britain, hitherto left to infatuated councils, and to pursue measures repugnant to her own interest, and distressing to this country, still persists in the design of subjugating these United States; which will compel us into another active and perhaps bloody campaign.

The United States in Congress assembled, therefore, taking into consideration our present situation, our multiplied transgressions of the holy laws of our God, and his past acts of kindness and goodness towards us, which we ought to record with the liveliest gratitude, think it their indispensable duty to call upon the several states, to set apart the last Thursday in April next, as a day of fasting, humiliation and prayer, that our joint supplications may then ascend to the Throne of the Ruler of the Universe, beseeching Him to diffuse a spirit of universal reformation among all ranks and degrees of our citizens; and make us a holy, that so we may be a happy people; that it would please Him to impart wisdom, integrity and unanimity to our counsellors; to bless and prosper the reign of our illustrious ally, and give success to his arms employed in the defence of the rights of human nature; that He would smile upon our military arrangements by land and sea; administer comfort and consolation to our prisoners in a cruel captivity; protect the health and life of our commander in chief; grant us victory over our enemies; establish peace in all our borders, and give happiness to all our inhabitants; that he would prosper the labor of the husbandman, making the earth yield its increase in abundance, and give a proper season for the ingathering of the fruits thereof; that He would grant success to all engaged in lawful trade and commerce, and take under his guardianship all schools and seminaries of learning, and make them nurseries of virtue and piety; that He would incline the hearts of all men to peace, and fill them with universal charity and benevolence, and that the religion of our Divine Redeemer, with all its benign influences, may cover the earth as the waters cover the seas.

Done by the United States in Congress assembled, &c. &c.

On a report of a committee, consisting of Mr. Livermore, Mr. Madison and Mr. Clark, to whom was committed a report on a letter of the 25th of February from col. T. Pickering, quarter-master general:

It being represented to Congress, that in consequence of an opinion entertained by individuals, with whom debts have been contracted by officers and servants of the United States, for supplies furnished and services rendered to the said states, that the said officers and servants were personally liable therefor, divers suits have been, and others probably will be, instituted whereby such officers and servants may be exposed to great trouble and expense, in cases where the failure to discharge their contracts hath proceeded from the deficiency of the advances received by them, from the public treasury; and Congress having by their resolution of the 2d of November last provided for the redemption of certificates for supplies and services afforded to the United States, by resolving to accept the same from the states producing them, in payment of balances due on former requisitions; and by subsequent resolutions having directed the appointment of commissioners

for liquidating and settling all such certificates, and other demands against the United States, as also commissioners for settling finally the accounts of the aforesaid officers and servants, whereby it will appear in what cases non-payments of the debts contracted by them hath proceeded from misapplication of public moneys advanced to them; and Congress having moreover recommended to the several legislatures to make the necessary provision for the speedy and effectual recovery in behalf of the United States, of all balances which shall be found due from such officers and servants:

*Resolved*, That it be, and hereby is, recommended to the legislatures of the several states, to make suitable provision for staying all suits which have been brought, and preventing future suits by individuals against the aforesaid officers and servants, for debts contracted by them for supplies furnished or services rendered to the United States:

Provided always, that nothing in this resolution contained, shall be construed to imply an opinion in Congress, that the aforesaid officers and servants of these United States, are personally liable for any debts contracted by them for the use and benefit of the said states.

On a report from the secretary at war,

*Resolved*, That so much of the act of Congress of the 30th of September, 1780, as establishes the pay and rations of the regimental surgeons and their mates, be, and hereby is, repealed:

That in future the pay of a regimental surgeon shall be 59 dollars per month, and that he be entitled to draw three rations per day, and forage as heretofore; and that the pay of a regimental surgeon's mate be in future 40 dollars per month, and he be entitled to two rations per day.

*Ordered*, That Mr. Hawkins have leave of absence.

#### WEDNESDAY, *March 20*, 1782.

A letter, of the 18th, from gen. Washington, was read, informing, that he proposes to set out for the army on the North river; Whereupon,

*Resolved*, That he be informed, that Congress will admit him to an audience of leave, to-morrow at half after ten.

#### FRIDAY, *March 22*, 1782.

The committee, consisting of Mr. Bee, Mr. Atlee, Mr. Cornell, to whom were referred a letter of the 21st of February, from brigadier-general Moultrie, and a motion respecting brigadier-general Knox, report,

That they have considered the same, and are of opinion that the request of general Moultrie is reasonable and ought to be granted, and they are the more confirmed of its propriety, when they consider the contents of president Hancock's letter of the 22d of July, 1776, and president Jay's letter of the 15th of May, 1779, and the act of Congress of the 13th of the same month, therefore they beg leave to submit the following resolution:

That brigadier-general Moultrie be, and hereby is promoted to the rank of major-general in the army of the United States, to take rank as such from the 14th day of November, 1781.

The committee are also of opinion, that the motion respecting the promotion of brigadier-general Knox, is founded on just principles, and report the same as their opinion, namely,

Brigadier-general Knox, commanding-officer of the artillery, being recommended by the commander in chief by his letter of the 31st day of October last, to be appointed a major-general in the army of the United States, on account of his special merit and particularly for his good conduct at the siege of Yorktown, in the state of Virginia:

*Resolved*, That brigadier-general Knox be, and he is hereby promoted to the rank of major-general in the line of the army, and that he take rank from the 15th day of November last.

A motion was made by Mr. Scott, seconded by Mr. Motte, that the consideration of the report be postponed, in order to make way for the following resolution :

“ That brigadiers-general James Clinton, William Moultrie, Laughlin M'Intosh, and Henry Knox, be promoted to the rank of majors-general.”

On the question for postponing, the yeas and nays being required by Mr. Scott,

<i>N-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Delaware</i> ,	Mr. M'Kean,	no	}	no
<i>Massachusetts</i> , Mr. Patridge,	no				Dickinson,	no		
	Osgood,	no			Wharton,	ay		
<i>Rhode-Island</i> , Mr. Ellery,	no	}	no	<i>Maryland</i> ,	Mr. Hanson,	no	}	no
	Cornell,	no			Carroll,	no		
<i>Connecticut</i> , Mr. Law,	no	}	no	<i>Virginia</i> ,	Mr. J. Jones,	ay	}	no
	Wolcott,	no			Madison,	no		
<i>New-York</i> , Mr. Scott,	ay	}	ay	<i>S.-Carolina</i> ,	Mr. Middleton,	ay	}	ay
	Floyd,	ay			Motte,	ay		
<i>New-Jersey</i> , Mr. Boudinot,	no	}	div.		Eveleigh,	ay	}	ay
	Condict,	ay		<i>Georgia</i> ,	Mr. Telfair,	ay		
<i>Pennsylvania</i> , Mr. Montgomery,	no	}	ay		N. W. Jones,	ay	}	ay
	T. Smith,	no						
	Clymer,	ay						
	Atlee,	ay						

So it passed in the negative.

On the question to agree to the resolution for the promotion of brigadier-general Moultrie, the yeas and nays being required by Mr. Scott,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Delaware</i> ,	Mr. M'Kean,	no	}	no
<i>Massachusetts</i> , Mr. Patridge,	ay				Dickinson,	no		
	Osgood,	ay			Wharton,	no		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Maryland</i> ,	Mr. Hanson,	ay	}	ay
	Cornell,	ay			Carroll,	ay		
<i>Connecticut</i> , Mr. Law,	ay	}	ay	<i>Virginia</i> ,	Mr. Jones,	no	}	ay
	Wolcott,	ay			Madison,	ay		
<i>New-York</i> , Mr. Scott,	no	}	no	<i>S.-Carolina</i> ,	Mr. Middleton,	no	}	no
	Floyd,	no			Motte,	no		
<i>New-Jersey</i> , Mr. Boudinot,	ay	}	div.		Eveleigh,	no	}	no
	Condict,	no		<i>Georgia</i> ,	Mr. Telfair,	no		
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	ay		N. W. Jones,	no	}	no
	Smith,	ay						
	Clymer,	ay						
	Atlee,	ay						

So the question was lost.

On the question to agree to the resolution for the promotion of brigadier-general Knox, the yeas and nays being required by Mr. Scott,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	}	*	<i>Delaware</i> ,	Mr. M'Kean,	ay	}	ay
<i>Massachusetts</i> , Mr. Patridge,	ay				Dickinson,	ay		
	Osgood,	ay			Wharton,	no		
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Maryland</i> ,	Mr. Hanson,	ay	}	ay
	Cornell,	ay			Carroll,	ay		
<i>Connecticut</i> , Mr. Law,	ay	}	ay	<i>Virginia</i> ,	Mr. Jones,	ay	}	ay
	Wolcott,	ay			Madison,	ay		
<i>New-York</i> , Mr. Scott,	no	}	no	<i>S.-Carolina</i> ,	Mr. Middleton,	no	}	no
	Floyd,	no			Motte,	no		
<i>New-Jersey</i> , Mr. Boudinot,	ay	}	ay		Eveleigh,	no	}	no
	Condict,	ay		<i>Georgia</i> ,	Mr. Telfair,	no		
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	ay		N. W. Jones,	no	}	no
	Smith,	ay						
	Clymer,	ay						
	Atlee,	no						

So it was resolved in the affirmative.

The committee, consisting of Mr. Carroll, Mr. Cornell, Mr. Clark, Mr. Randolph, and Mr. Eveleigh, to whom was referred a letter of the 30th of October, 1781, respecting the promotion of col. Otho Williams, report,

That col. Williams stood in the line of promotion to be a brigadier in the district of Delaware and Maryland, under the late regulation of the army; that it appears from the returns of the Maryland line, the troops of that state are divided into two brigades: that the testimonies in favor of colonel Otho Williams's merit are such as deserve the particular notice of Congress, and therefore submit the following resolution:

That colonel Otho Williams be appointed a brigadier in the army of the United States.

On the question to agree to this resolution, the yeas and nays being required by Mr. Scott,

<i>N.-Hampshire</i> , Mr. Livermore,	ay	}	*	<i>Delaware</i> ,	Mr. M'Kean,	ay	}
<i>Massachusetts</i> , Mr. Patridge,	ay				Dickinson,	no	
	Osgood,	ay			Wharton,	ay	
<i>Rhode-Island</i> , Mr. Ellery,	ay	}	ay	<i>Maryland</i> ,	Mr. Hanson,	ay	}
	Cornell,	ay			Carroll,	ay	
<i>New-York</i> , Mr. Scott,	no	}	div.	<i>Virginia</i> ,	Mr. J. Jones,	no	}
	Floyd,	ay			Madison,	no	
<i>New-Jersey</i> , Mr. Boudinot,	ay	}	div.	<i>S.-Carolina</i> ,	Lee,	no	}
	Condict,	no			Mr. Middleton,	no	
<i>Pennsylvania</i> , Mr. Montgomery,	ay	}	ay		Motte,	no	}
	Smith,	ay		<i>Georgia</i> ,	Eveleigh,	no	
	Clymer,	ay			Mr. Telfair,	no	
	Atlee,	ay			N. W. Jones,	no	

So the question was lost.

A motion was made by Mr. Telfair, seconded by Mr. Scott,

That brigadiers James Clinton, William Moultrie, and Laughlin M'Intosh, be promoted to the rank of majors-general, and that they take rank from the 14th day of November, 1781."

On the question to agree to this, the yeas and nays being required by Mr. Scott,

<i>N.-Hampshire</i> , Mr. Livermore,	no	}	*	<i>Delaware</i> ,	Mr. M'Kean,	no	}
<i>Massachusetts</i> , Mr. Patridge,	no				Dickinson,	no	
	Osgood,	no			Wharton,	no	
<i>Rhode-Island</i> , Mr. Ellery,	no	}	no	<i>Maryland</i> ,	Mr. Hanson,	no	}
	Cornell,	no			Carroll,	no	
<i>Connecticut</i> , Mr. Law,	no	}	no	<i>Virginia</i> ,	Mr. J. Jones,	ay	}
	Wolcott,	no			Madison,	no	
<i>New-York</i> , Mr. Scott,	ay	}	ay	<i>S.-Carolina</i> ,	Lee,	no	}
	Floyd,	ay			Mr. Middleton,	ay	
<i>New-Jersey</i> , Mr. Condict,	no	}	*		Motte,	ay	}
<i>Pennsylvania</i> , Mr. Montgomery,	ay				Eveleigh,	ay	
	Clymer,	ay		<i>Georgia</i> ,	Mr. Telfair,	ay	
	Atlee,	ay			N. W. Jones,	ay	

So the question was lost.

TUESDAY, March 26, 1782.

On motion of Mr. Cornell,

*Resolved*, That so much of the act of Congress of January 12th, 1780, respecting Mr. Galvan, as directs that he be employed in the inspectorship, as the commander in chief shall direct, be and hereby is repealed.

On a report from the secretary at war, to whom was referred a letter from col. Carrington to the quarter-master general,

*Resolved*, That the quarter-master with the southern army be, and he is hereby empowered to raise, on the best terms possible, a corps of pioneers, consisting of 30 privates, under such officers now in public pay, as he may think proper to appoint, to be governed by the articles of war, and to continue on the establishment one year, unless the service will admit of their being sooner discharged.

WEDNESDAY, *March 27, 1782.*

On motion of Mr. Clark, seconded by Mr. Cornell,

*Ordered*, That the secretary at war make return to Congress of the officers employed in the quarter-master's department.

On motion of Mr. Osgood, seconded by Mr. Boudinot,

*Ordered*, That the secretary at war make return to Congress of the number of general officers which the commander in chief judges necessary to be employed in the field, in the main and separate armies, and in the different parts of the United States.

SATURDAY, *March 30, 1782.*

The committee, consisting of Mr. M-Kean, Mr. Boudinot, and Mr. Law, to whom were referred an ordinance for establishing a court of appeals, and the form of a law to be passed by the several states for regulating the courts of admiralty, delivered in the draught of an ordinance for establishing a court of appeals, which was read a first time :

*Ordered*, That Tuesday next be assigned for the second reading.

The said committee also reported the form of a law to be recommended to the states for regulating the courts of admiralty :

*Ordered*, That Tuesday next be assigned for the consideration of this form.

*Ordered*, That Mr. Boudinot have leave of absence.

On the report of a committee, consisting of Mr. Cornell, Mr. Boudinot, and Mr. M-Kean, to whom was referred a report from the secretary at war, on a reward for apprehending deserters, and who were directed to confer with the superintendent of finance and secretary at war on the subject :

*Resolved*, That it be and hereby is recommended to the states respectively to pass laws giving a reward of eight dollars to any person or persons, who shall apprehend and safely secure in the next county gaol, or such other place as the executive in each state shall direct, any prisoner of war taken from the enemy, who has escaped from the place of his confinement, and one-eighth of a dollar per mile for travelling expenses to the said gaol, also five-ninetieths of a dollar per day for the subsistence of each prisoner while confined ; all the above sums to be paid by the state in which the prisoner or prisoners shall be confined, and repaid to the state advancing the money as aforesaid by the superintendent of finance, on the accounts being transmitted to him properly authenticated.

And whereas the legislatures of some of the states may not be in session for some time after this recommendation reaches the state ; it is therefore resolved, that until the legislature shall sit, all sums of money advanced by the treasurer of such state, by direction or advice of the executive authority thereof, or otherwise borne in the first instance by the person or persons apprehending and securing such prisoners, agreeably to the foregoing resolution, shall, when produced to the superintendent of finance, properly authenticated, be immediately discharged.

*Resolved*, That it be, and hereby is, recommended to the several states, to take effectual measures to prevent any persons from harbouring, secreting, assisting, abetting, or comforting, any prisoner of war taken from the enemy, in making his escape from the place of his confinement.

END OF THE THIRD VOLUME.



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